STOP THIS

LEGAL LYNCHING

Labor Donated

THEY CALL IT MURDER!

SAVE ODELL WALLER FROM THE CHAIR !

WALLER DEFENSE COMMITTEES

5125 S State St.
Chicago, Ill.

1103 E. Main St., Room 429
Richmond, Va.

A STORY OF SOCIAL INJUSTICE

If you believe that all men are created equal and should remain free from discrimination regardless of race creed or color....If you sympathize with the plight of the southern share-croppers who earn $10 to a hundred dollars a year for a whole family, who are robbed and swindled, beaten and oppressed....If you think the poll tax which deprives millions of poor whites and Negroes in the South of their votes, should be abolished....If you believe in workers rights....

then ---

You will help us fight the case of Odell waller, help free him from the"legal murder" which faces him March 14th. Here is his story. It is a story of robbery, slow murder, discrimination and brutality. It is a story where the victim is being victimized and threatened with death in the electric chair. But it is a story of not just one man. It is the story of social injustice, the plight of the share-cropper, the story Negro lynching, of the vicious poll tax, of Southern Bourbon "Justice".

Odell Waller is a young respectable Negro boy 23 years old. About a year ago he, with his aged mother and his bride, moved on the land of Oscar Davis, white landlord, near Gretna, Virginia. Waller went to work on the usual share-cropping basis, receiving quarter shares of tobacco and wheat.

Not being content with his "regular" profits, Davis proceeded to break their agreement. He had agreed to furnish fertilizer and tools, but he forced Waller to get his own. Then Waller's mother did midwifery service for the Davis family, but most of the money due her never was forthcoming.

Then the government agents came around and told Davis to plow under part of the tobacco, under the provisions of the Agricultural Administration Act. It is by this method of plowing under and destroying wheat, corn, cotton, tobacco, etc. that prices are kept up for the big monopolists. The third of the nation who are ill-fed and ill-clothed continue to go hungry while food is being plowed under, and continue to wear rags and tatters while clothing raw materials are destroyed.

HOW THE A.A.A. INCREASES THE SHARE-CROPPERS' PLIGHT

So Davis told waller to plow under about half of the tobacco acreage, and landlord Davis then pocketed all of the government money for NOT growing tobacco. This was a double injustice to Waller. First, even according to the ruling of the A.A.A., a "cropper" is supposed to share in government patments. But Waller didn't get a penny.

Second, this cut in acreage reduced Waller's share of the crop to the point where he and his wife and mother could not have enough to live on. When Waller pointed this out to Davis, the white landlord told him that if he didn't like it, he could "get the hell out".

Not wishing to quarrel, and needing extra income to support his family Waller went to Maryland to look for work, leaving his mother and wife to "bring in" the crop, with the help of his near-by cousin. While Waller was working in Maryland in order to get the money to support his family, Davis began to abuse Mother Waller and demanded that she get out of their shack. He finally called the sheriff and evicted old Mother Waller and her daughter-in-law from the land; and falsely claiming that they owed him money, whereas he really owed them money, he confiscated their prize possession -- a wheat binder. Then just out of meanness he castrated one of Waller's dogs.

Thus did white landlord Davis exploit, abuse and oppress this Negro and his family.

When Odell heard of this, he quit his job and came home to see what could be done to get what was due him; for in addition to all the other wrongs, Davis had the complete wheat crop, both his and Waller's share. So Odell, finding his mother and wife living on the charity of the neighbors, got a wagon and went over to get his share of the crop, to collect the money that was due his mother, and to retrieve their wheat binder which Davis had taken under false pretenses. He went armed because he was told of the threat of Davis, who habitually packed a gun, that he would "kill that damn nigger". And his being armed was fully in accord with both the Virginia law and the custom in the country districts of the state, where every one has the right, and usually does, carry a gun.

When he met Davis, the landlord refused to pay him or give him his share of the crop or return the wheat binder, but instead began to threaten and abuse him; then Davis reached for his gun-pocket; in the ensuing struggle, Davis was shot. Davis later died in a hospital, not of the bullet wounds, but of a collapsed lung following operation; the doctors say that his lungs had been bad for years, and that had it not been for this, he would probably have recovered from the bullet wounds.

THEY CALL IT MURDER IN THE FIRST DEGREE

And now Odell Waller -- the victim of share-cropping exploitation, of Jim Crow abuse and insult, of downright thievery -- sits in the death cell awaiting execution. THEY CALL IT MURDER because he tried to get his share of wheat! THEY CALL IT MURDER because he tried to get back a wheat binder stolen from him! THEY CALL IT MURDER because he tried to collect the money due his mother! THEY CALL IT MURDER because he

defended himself rather than be shot down by this white landlord.

Who are "they" who call it murder? They are the white landlords, the Jim Crow bosses, the Southern Bourbons who want to keep the white and Negro croppers in subjection.

TRIED BY HIS MASTERS AND NOT BY HIS PEERS

This is amply proved by the nature of the trial and jury that "called it murder". This jury was composed of ten white landlords and two white businessmen. The reason for this is that in Virginia as well as other southern states there is a poll tax law which in practice, deprives over 10 million Negro and white workers of the right to vote. Specifically in Virginia, the state law provides that only those who pay the poll tax are eligible for jury duty. In other words, Waller was denied his constitutional right of a trial by his peers (equals) and instead faced a "lily-white" jury composed of landlords and businessmen -- representatives of Southern bourbonism who are interested in maintaining Jim Crow discrimination, as well as share-cropping exploitation. In their eyes it is a crime for a Negro to talk back to a white man, and a double crime for a Negro to defend his rights as a share-cropper, as Waller tried to do. That is why THEY CALL IT MURDER.

Waller as a poor share-cropper was only trying to get what money and share of crop that was coming to him according to the share-cropping agreement. The refusal of Davis to live up to this agreement was, therefore, only an EXTRA form of robbery. For the whole system of share-cropping <u>is</u> "legalized" robbery; the plight of millions of white and Negro workers who "crop the land" is one of the worst blights on the American social scene; a backward and uneconomic method of agricultural production which results inthe slow starvation, economic deprivation, political and social inequality of these millions of American people. Waller's case is that of all these share-croppers. THEY CALL IT MURDER because they are afraid that other croppers, in militant unity, will try to improve their conditions and defend their rights as well as Waller, as an individual, wanted to do.

And so Waller sits in a death cell. But we are determined that this VICTIM of Jim Crow oppression and share cropping exploitation SHALL NOT be the victim of legalized murder.

When Waller was first arrested, the Richmond unit of the Revolutionary Workers League, U.S. immediately hired attorneys, began to publicize the case, and to build a strong united defense committee to save Waller from the chair. In the four months since then, the WALLER DEFENSE COMMITTEES in which other labor, church, and social organizations have affiliated, have come into existence and are functioning in numerous cities throughout the land. They must be broadened -- every union, every labor organization, every thinking person who recognizes the

political injustice of poll tax laws and Jim Crow discrimination, and the economic injustice of share-cropping slavery....all must come to the defense of Odell Waller. For the fight to save Waller is a fight against all these conditions of social, political and economic inequality.

Waller's case has been submitted to the State Supreme Court for review. We are confident that the legal errors and bias in the original trial will result in a legal victory. But the fight cannot be won in the court-room only because, to the Southern Bourbons, Waller is guilty of trying to defend his rights as a Negro citizen and share-cropper. No matter what the law says, they call it "murder in the first degree." That is why it is necessary to have the broadest possible publicity and the largest possible mass support. We must tell the Southern Bourbons that Waller and millions of others are the VICTIMS of slow murder, and NOT the murderers.

For the legal defense of Waller, for the publicity and spreading of this story, organizational support is needed, funds are needed. Help build the WALLER DEFENSE COMMITTEES; widen their influence; give financial help; strengthen their organizational support.

Elect a Waller Defense Committee in your trade union, your club, your church, your social organization, and aid the WALLER DEFENSE COMMITTEES in the fight to save Waller.

Send communications for further information or speakers, or send funds to the

CHICAGO WALLER DEFENSE COMMITTEE
5125 South State Street
Chicago, Ill.
Allen Willis, Secretary

or to the Provisional National Office

RICHMOND WALLER DEFENSE COMMITTEE
1103 E. Main Street, Room 429
Richmond, Virginia
Paula Subienne, Secretary-Treasurer

FREE WALLER AND RID SOCIETY OF HIS ENEMIES AND OURS!

RID THE NATION OF THE POLL TAX, OF SHARE-CROPPING AND A.A.A. DISCRIMINATION! STRIKE A BLOW AT OLD JIM CROW!

MARCH ON WASHINGTON MOVEMENT

2084 SEVENTH AVENUE NEW YORK CITY

What Is It?

An all-Negro mass organization dedicated to winning full democracy for the Negro people. It is pro-Negro, but not anti-white.

"We Are Americans, Too!"

What Has It Done?

It has won Executive Order No. 8802 from the President of the United States, barring discrimination in war industries, the only such order issued since the Emancipation Proclamation.

It has gained jobs for thousands of Negroes in war industries.

"We Are Americans, Too!"

What Are Its Aims?

1. To develop a program of action by which the Negro masses can march towards the total abolition of all social, economic and political discrimination.

2. To draw out leadership from the Negro masses to struggle on their own behalf.

"We Are Americans, Too!"

What Is Its Immediate Program?

1. To eliminate jimcrow from the armed services of our country.

2. To initiate a campaign of Non-Violent Direct Action against jimcrow laws and customs in every part of the country.

"We Are Americans, Too!"

Who Can Belong?

Every Negro who believes in our aims and who wants freedom enough to fight for it.

"We Are Americans, Too!"

How Much Does It Cost?

Ten cents a year a person, five cents of which is to remain in your local treasury and five cents to be sent to the National Office.

"We Are Americans, Too!"

Who Are Its Officers?

A. Philip Randolph, National Director; B. F. McLaurin, National Secretary; E. Pauline Myers, National Executive Secretary; Aldrich Turner, National Treasurer.

Come to the "We Are Americans, Too" Congress, sponsored by the March on Washington Movement, to be held in Chicago on June 30 through July 4, 1943.

The War's Great SCANDAL!

THE STORY OF

JIM CROW IN UNIFORM

BY NANCY and DWIGHT MACDONALD

PUBLISHED BY THE MARCH ON WASHINGTON M

THE WAR'S GREATEST SCANDAL

The Story of Jim Crow in Uniform

Written by Dwight Macdonald Research by Nancy Macdonald

FORT BENNING, GA., May 2, 1941: The body of a Negro private, Felix Hall, is found hanging from a tree, arms and legs bound. Negro groups charge Private Hall was lynched. The *Bulletin* of the NAACP states that at Fort Benning "concentration camp tactics are allegedly being used against colored soldiers, and torture and killings take place at the pleasure of the military police."

FAYETTEVILLE, N. C., August 6, 1941: Sergeant E. L. Hargraves, white military policeman, and Private Need Turman, Negro engineer, are killed and four other soldiers are wounded in a gun battle between white and Negro soldiers on a crowded bus. Cause: brutality by white M.P.'s.

PRESCOTT, ARK., August 17, 1941: 43 Negro soldiers from the 97th Engineer Battalion go A.W.O.L. and return to their former station, in Michigan, after weeks of violent persecution by local whites. "Trouble started in Little Rock," states Sergeant James I and one of our boys. The co We found we had no Negro M the whites were not any too requested but refused. We w for Negro M.P.'s. . . . Then armed civilians in parked aut was attacked. He had a rifle broke loose."

ALEXANDRIA, LA., Jan or clubbed in a race riot pr a Negro soldier. 3,000 Negr city and state policemen. Ba for 16,000 Negro troops statio to allow colored M.P.'s.

SAVANNAH, GA., June are forced to march at the ta

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These things have hap democracy. They could be n this undeclared war against into large-scale rioting, bloc same: brutal and humiliating country, and complete failure that uniform. A fantastic sit out Nazi racialism. And ye those in command of this Ar very doctrine of Hitler?

"MASTER RACE" VS. "W

Half a million Negroe country. Great numbers are *is colored,* 16.1% *of all v* according to the Office of W Negroes of America have b largely as servants and labo at last reports considerably f an Army nurse is a commis Negroes with commissions. need apply. The Air Corps eligible—their duties might cists are in great demand—I front the cry goes up: More bat. The outstanding hero o worked a machine-gun ag blistered and scarred. Yet I

Foreword

The conscience of the American people is disturbed by the existence of two American armies: the U. S. Army and the U. S. Army (Colored). The aim of this pamphlet is to present a true picture of jimcrowism in the armed services and to enlist the mind and will of all Americans, Negro and white, who are concerned with democracy.

There are those who feel that at a time like this any attempt to raise the color question is utopian and ill-advised. But we of the March on Washington Movement cannot agree. We feel our movement must make known to the American people the whole shameful story of the oppression, exploitation and indignity to which Negroes are being subjected in the armed forces. Otherwise, how can we pretend to be a movement for economic, social and political justice?

In this and other activities, we of the March on Washington Movement believe that we are doing battle for democratic principles. We are trying to realize freedom, truth and justice in the national life. Our struggle for complete equality for all men regardless of race, religion or national origin is the basic struggle to preserve and extend democracy in these United States.

E. PAULINE MYERS
(Executive Secretary, March on Washington Movement)

Γ SCANDAL

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ırch by Nancy Macdonald

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Rock," states Sergeant James Humphries, "after a fight between a white copper and one of our boys. The copper started it when he slapped the soldier. . . . We found we had no Negro M.P.'s; these had been replaced with whites. And the whites were not any too anxious to protect us. Negro M.P.'s had been requested but refused. We were told that white Southerners would not stand for Negro M.P.'s. . . . Then we moved again. . . . I saw some of the white armed civilians in parked autos along the highway. Then one of our sentries was attacked. He had a rifle but it was empty. . . . Then on Thursday hell broke loose."

ALEXANDRIA, LA., January 11, 1942: Twenty-eight Negro soldiers shot or clubbed in a race riot provoked by the attempt of a white M.P. to arrest a Negro soldier. 3,000 Negro soldiers put under arrest by white M.P.'s and city and state policemen. Basic cause of riot: lack of recreational facilities for 16,000 Negro troops stationed in nearby camps; refusal of Army authorities to allow colored M.P.'s.

SAVANNAH, GA., June 10, 1942: Negro troops in the Army Day parade are forced to march at the tail end, behind garbage trucks.

BEAUMONT, TEXAS, Aug. 10, 1942: Negro private Charles J. Reco is clubbed and shot by two city policemen. No action taken by Army authorities.

VALLEJO, CALIF., Dec. 26, 1942: Mistreatment of Negro sailors by Southern whites provokes race riots involving 272 Negro and white sailors.

These things have happened in an army supposed to be fighting for democracy. They could be multiplied a hundredfold. It is mere good luck that this undeclared war against part of our own armed forces has not broken out into large-scale rioting, bloodshed and lynching. The pattern is always the same: brutal and humiliating treatment of Negroes wearing the uniform of their country, and complete failure of the Army authorities to protect those wearing that uniform. A fantastic situation in an Army supposedly dedicated to wiping out Nazi racialism. And yet how can we expect anything else when we see those in command of this Army and Navy adopting as their official policy this very doctrine of Hitler?

"MASTER RACE" VS. "WHITE SUPREMACY"

Half a million Negroes are now bearing arms in the service of their country. Great numbers are volunteers: *although only* 9.8% *of the population is colored,* 16.1% *of all volunteers for the Army in* 1940-41 *were Negroes,* according to the Office of War Information. In return for their patriotism, the Negroes of America have been jimcrowed into segregated regiments and used largely as servants and laborers. Although there is a shortage of Army nurses, at last reports considerably fewer than 200 Negro nurses had been accepted—for an Army nurse is a commissioned officer, and the Army doesn't want too many Negroes with commissions. Radio technicians are badly needed. No Negroes need apply. The Air Corps desperately needs weather officers. Negroes are not eligible—their duties might take them to all-white airfields. Registered pharmacists are in great demand—that is, if their skins are white. From every battle-front the cry goes up: More pilots! And not one Negro flyer has yet seen combat. The outstanding hero of Pearl Harbor was Dorie Miller, who singlehanded worked a machine-gun against Jap planes until his hands and arms were blistered and scarred. Yet Dorie Miller, who got the highest medals for bravery

in action, was only a messman, barred by regulations from rising to combat status. For Dorie Miller's skin was black.

If you are interested in winning the war, this is a criminal waste of human resources. If you are interested in democracy, it means spreading the poison of legalized, official jimcrow from the deep South throughout our entire national life and even overseas. For various reasons, the Army and Navy have always had an unusually high proportion of Southerners in their officers' corps. A man doesn't lose his prejudices when he puts on a uniform. And so a doctrine of "White Supremacy" which is simply Hitler's "Nordic Supremacy" in Cracker lingo has become the official policy of the American armed forces. Racialism is monstrous in Nazi Germany but O.K. in the U. S. Army.

There is, of course, no more scientific basis for American jimcrow than there is for Hitler's anti-Semitism, which is to say there is no basis at all. Other nations don't feel this way about the Negro. In the last war, the French were shocked and bewildered by the treatment of colored troops in the A.E.F. In this war, it is the turn of the British to be shocked. The jim crow policies which American officers have tried to enforce among our troops in England have aroused the greatest indignation in Parliament. "That is the last thing the British Parliament would tolerate," recently declared Viscount Simon, Lord Chancellor of England. His sentiments were echoed by the humble pub-keeper who tacked up a sign at the entrance to his bar: FOR THE USE OF THE BRITISH AND OF COLORED AMERICANS ONLY.

OUR UNCONSTITUTIONAL ARMY

Jimcrow in the Army is all the more inexcusable because there is a specific clause forbidding it in the 1940 Draft Act. Few people are aware of the existence of this clause, Section 4(a), which reads as follows:

In the selection and training of men under this Act, and in the interpretation and execution of the provisions of this Act, there shall be no discrimination against any person on account of race or color.

The military authorities are thus violating the spirit if not the letter of the very law which permits them to draft civilians into the Army. Yet neither Congress, which passed the law, nor President Roosevelt, who signed it, have raised the slightest protest. How is this possible?

It is possible because up to now the colored people have not put up any real fight to enforce Section 4(a) of the Draft Act. They have mistakenly relied on Roosevelt and other "liberal" politicians to do their fighting for them. But the record shows that the Negro gets something from the Roosevelt Administration only when he kicks up a fuss. It took the threat of a March on Washington to extract the Fair Employment Practice Committee from the White House. And as we shall see, such concessions as the Negro has won to date from the armed forces have been won only by a fighting insistence on his rights. This pamphlet has two purposes: (1) to give the brutal facts on jimcrow in the American Army and Navy; (2) to show that the colored people of America, and their white friends, must begin *right now* to make a real fight on this issue.

One Negro who believes in standing up for his rights is Winfred William Lynn. Last June he was notified by his draft board—Local Board 261, of Jamaica, Long Island—that h
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THE LYNN CASE

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is rights is Winfred William
board—Local Board 261, of

Jamaica, Long Island—that he had been put into 1-a. He sat down and wrote a letter:

Gentlemen: I am in receipt of my draft-reclassification notice. Please be informed that I am ready to serve in any unit of the armed forces of my country which is not segregated by race. Unless I am assured that I can serve in a mixed regiment and that I will not be compelled to serve in a unit undemocratically selected as a Negro group, I will refuse to report for induction.

Yours respectfully,
Winfred W. Lynn

THE LYNN CASE

This letter was the beginning of what is coming to be known more and more widely as "the Lynn Case"—an important legal attack, the only one made to date, on military jimcrow. It all grows out of the fact that Winfred Lynn, in a quiet way, is a very determined person, and that he has a brother, Conrad, not so quiet but equally determined, who happens to be a capable lawyer. Until last December, when Arthur Garfield Hays came into the case as trial lawyer, the Lynn brothers carried on their fight practically alone. Winfred Lynn is, or was, a landscape gardener. For the past twelve years—he is now thirty-six—he has been building up a nice little business putting in trees and shrubbery on Long Island estates. He wasn't much interested in politics, and he had no great quarrel with the economic system—"I'll always get by," he used to say. But he did feel very strongly about one thing—racial discrimination. When war came, he couldn't make any sense out of the contradiction between the theory of a war for democracy and the fact of a jimcrow army being raised to fight it. Long before he got his 1-a notice, he used to tell Conrad that, regardless of what happened to him, he wasn't going to be a party to such a practice. Many Negroes talked like that. The Lynns are unusual in that they did something about it, and something effective.

The legal basis of Lynn's case is that Section 4(a) prohibits discrimination in selecting draftees, and that he, like most Negroes, was actually selected on a separate jimcrow quota. He is therefore suing the Army authorities—he has accepted induction in order to make a test case—to be allowed to return to civilian life on the grounds that the jimcrow method of his selection violates the Draft Act. His case will probably reach the U. S. Supreme Court by the end of this year. Arthur Garfield Hays, acting for the American Civil Liberties Union, is the trial lawyer, and Albert C. Gilbert is now the attorney of record in charge of preparing the brief, succeeding Conrad Lynn, who was recently drafted himself.

The Lynn case may turn out to be one of the most important ever argued before the Supreme Court. It raises two big issues:

1. *Is segregation in itself discrimination?* Webster defines "segregation" as "a separation from others" and quotes in illustration William Wetmore Story's judgment: "The very name of ghetto, signifying segregation and disjunction, is opprobrious." The U. S. Supreme Court thinks otherwise, however. The line of its decisions in all the classic jimcrow cases, beginning with *Plessy v. Ferguson* in 1895 and continuing through *Mitchell v. United States* in 1941, has been that segregation is not in itself discriminatory so long as equivalent facilities, whether in transportation or schools, are provided for Negroes and whites.

The novelty of the Lynn case is that it brings up to the court for the first time the question of segregation practiced not by Southern states but by the federal government itself. Jimcrow is integrated so closely into the present social system of the South that it is not surprising that the court, even in its current liberalist phase, has not ventured to disturb it. But it will be quite a different thing to sanction the practice when it is applied by the federal government itself on a national scale to an army drawn mostly from areas where legalized jimcrow has never existed. "Our Constitution is color-blind," wrote

Amsterdam News.
WINFRED LYNN

Amsterdam News
CONRAD LYNN

Justice Harlan in his great dissent in the Plessy case. Whether this was a hope or a statement of fact will become clearer when the court decides the Lynn case.

2. *Is a jimcrow army compatible with a war alleged to be fought for democratic aims?* The fact that nothing was said in the last war's draft laws about racial discrimination, while this time Congress voted Section 4(a) into the law, indicates both a general awareness of the paradox of a jimcrow army fighting against Nazi racialism and also the gains the Negroes have made since 1917. There are plenty of legalistic ways in which the court can decide against Lynn: it can reaffirm the doctrine that segregation is not discrimination; it can even declare Section 4(a) unconstitutional because it interferes with the control the military authorities must have over civilian rights in training a war-time army (that is, it would interfere if it were respected). On the other hand, even the most legalistic jurist must be concerned with the army's present policy of spreading the poison of racial discrimination among millions of draftees from outside the South.

Furthermore, an adverse decision will be politically inexpedient in view of the present state of mind of Negroes. It is significant that although the Lynn

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Amsterdam News
CONRAD LYNN

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case has hardly been mentioned in the national press, it has been front-page news in Negro papers all over the country. When Winfred Lynn went to Camp Upton, his fellow-soldiers knew all about the case and insisted on doing his military chores for him. Another Lynn brother, in training down South, was asked by his white captain whether he was related to "this fellow Lynn that's making so much trouble"—which shows that those on the other side of the fence know about the case too. According to Conrad Lynn, at least six Negroes in his brother's draft district have followed his example, without having the means to make a legal test or to do much of anything, in fact, except go to jail when it comes to that. He also asserts that a large number of Negroes just don't show up when summoned for induction, and that the authorities usually prefer not to do anything about it. The whole question has been smoldering beneath the surface. The Lynn case brings it out into the open and forces a showdown on whether the 1940 Draft Act means what it says.

LET'S LOOK AT THE RECORD

"Negroes are too cowardly and shiftless to make fighting troops, they are fit only for labor gangs, they must have white officers because their own race doesn't produce officer material, it would be demoralizing to mix them with white troops, etc., etc." These are the kind of slanders that are circulated, privately, to justify the humiliations put upon the Negro in the armed forces today. All right, let's have a look at the record.

- The first American to give his life for the Revolutionary cause was Crispus Attucks, a Negro, who fell at the first volley of the Boston Massacre. More than 6,000 colored soldiers fought with Washington (and were rewarded after the war by being told by their Commander-in-Chief: "Return to your masters like good niggers.") An outstanding Revolutionary naval hero was Mark Starlin, a former slave, who commanded the warship, *Patriot.*
- In the War of 1812, Andrew Jackson had high praise for the conduct of his Negro troops at the Battle of New Orleans, and Commodore Perry said of his Negro sailors: "While America has such tars, she has little to fear from tyrants of the ocean."
- Over 200,000 Negroes fought in the Union ranks in the Civil War (and were rewarded by getting lower pay than white soldiers). One of the most distinguished naval heroes of the war was Captain Robert Smalls, after whom the Negro division of the Great Lakes Naval Training Station was recently named. (A Southern-born Rear-Admiral "hit the ceiling" when he learned the base had been named after a Negro, and tried to get the press to kill the story.)
- The Ninth Cavalry, a famous Negro regiment of the Regular Army, played an important part in the Battle of San Juan Hill in the Spanish-American War.
- In the last war, 400,000 Negroes served in the Army, on a strictly jimcrow basis. (Secretary of War Baker said: "We are not trying by this war to settle the Negro problem.") Only 40,000 of them were allowed to fight, the remaining 90% being used only for labor service. None of the three Negroes who then held officer's commissions in the regular Army were sent abroad, and not a single Negro unit of the regular Army went over. Nevertheless, the few inexperienced National Guard regiments that were permitted to get to the front gave a fine account of themselves. Southern-born American officers tried to slander the Negro troops to the French authorities, just as

they have done in this war with the British, but the French, being without racial prejudice, conceived a very high opinion of the American colored troops.

• The 369th National Guard Regiment, recruited mostly in Harlem, served 191 days under fire, more than any other unit of the A.E.F., suffered casualties of 40%, never lost a foot of ground or had a man taken prisoner, and returned home with 172 individual French and American decorations and a regimental Croix de Guerre. A member of the 369th was the first American soldier to win the Croix de Guerre with star and palm: Henry Johnson, a pint-sized Red Cap from Albany, who routed a party of 25 Germans singlehanded in the famous "Battle of Henry Johnson." (The War Department rewarded the 369th in 1940 by planning to convert it into a labor regiment and ordering it to add the word "Colored" to its name. Pressure forced the Department to cancel the orders.)

• Another colored regiment, the 371st Infantry, suffered 1,047 casualties, received 184 individual decorations and a regimental Croix de Guerre, and was cited by the French Commander-in-Chief in the East: "The 371st Regiment has shown, during its first engagement, the very best qualities of bravery and audacity which are characteristic of shock troops."

• The colonel of the 372nd (colored) Infantry received this message from his French divisional commander: "Your troops have been admirable in their attacks . . . and I consider it an honor to have commanded them. The bravery and the dash of your regiment are the admiration of the Moroccan division, and they are good judges. . . . Signed, GOYBET."

• In the green rolling fields of Arlington National Cemetery, just outside Washington, lie the dead of many American wars. Here is the Tomb of the Unknown Soldier, the "Maine" memorial, and many another stately military monument. And here is a section pointed out to visitors: "These are the colored graves." Even in death the Negro soldier is jimcrowed by the nation in whose service he died.

THE MASSACHUSETTS FIFTY-FIFTH COLORED REGIMENT IN CHARLESTON. *N. Y. Public Library*

Such is the record of the the colored man, and of all to from the military authorities this shameful pattern.

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Such is the record of the past, a mixture of heroic sacrifice on the part of the colored man, and of all too frequent slander and humiliation as his reward from the military authorities. It is high time the American people changed this shameful pattern.

SEGREGATION IS DISCRIMINATION

Every one of the half million Negroes now serving in the armed forces is doing so on a jimcrow basis. Every regiment, every ship, every battery, every flying squadron and medical staff and jeep company is either all white or all colored. The most ingenious planning, the most complicated and voluminous quantities of paper-work, the tireless efforts of thousands of officers are devoted to the great task of keeping apart the two races. The instant he puts on the uniform of his country, the Negro becomes a deadly plague carrier, to be quarantined, isolated at all costs from his white comrades in arms.

The military authorities, like the Supreme Court, deny that segregation is in itself discrimination. Actually, however, the record of the armed forces to date in this war is the strongest possible proof that discrimination is inextricably bound up with segregation. The Negro civilian in jimcrow states finds that, even if he is willing to accept segregation, he does not in actuality—whatever legal theories the Supreme Court may spin about it—get equal educational, housing and transportation facilities. And the Negro soldier or sailor also discovers, and even more dramatically, that even if he accepts segregation, he gets anything but equal treatment. The medieval Jew knew that ghetto-segregation was discrimination; the modern Jew in Nazi Germany knows that Nuremburg-Law-segregation is discrimination; and the American Negro soldier knows that jimcrow-segregation is discrimination—whatever the Supreme Court or the Secretary of War says about it. Again, let us have a look at the record.

IN THE ARMY: SERVANTS AND LABORERS

After the last war, the four colored regiments in the Regular Army were reduced to menial jobs. The two cavalry regiments became hostlers and stableboys; the two infantry regiments became cooks, officers' servants, road builders. As late as the beginning of 1941 there was not a single Negro officer on duty in the Regular Army, and not a single one of the more than 500 Negro reserve officers had been called up for duty.

The huge numbers of Negroes drafted into the Army have now somewhat changed this picture. There must be *some* officers, *some* combat units among half a million Negroes in uniform. So today there are some 2,000 Negro commissioned officers, and three regiments have Negro officers from top to bottom. (There was only one Negro colonel in the last war.) In all the other regiments, however, including the first all-colored division, the 93rd, the officers are white —except for a few lieutenants—and the privates and non-coms are colored. The great bulk of Negroes are still in menial and labor jobs: only 100,000 of the 450,000 now in the Army are in combat units. The same is true of the 60,000 Negro troops that have to date gone abroad—as was dramatically shown when Rommel broke through the American lines recently in Tunisia and cap-

tured thousands of Negro soldiers who were armed with nothing more lethal than picks and shovels.

Special mention must be made of the one important area in the entire armed services where jimcrow has been abolished: the officers' training schools. White and colored officer candidates work, study and live together, apparently in complete harmony and comradeship. The very success of these unsegregated schools, in fact, is a strong argument against the Army's claim that riot and bloodshed would result if jimcrow were to be abolished.

THE NAVY MAKES A "CONCESSION"

Up to last spring, the highest aspiration a Negro could have in the U. S. Navy was to rise to the dignity of . . . officers' cook. Only menial, low-paid jobs were open to him. This policy actually represented a big step *backward* in the last twenty years, for up to 1920 Negroes could and did serve in all ranks of the Navy up to and including Chief Petty Officer. They lived on the same ships with white sailors, ate with them, served the same guns in battle side by side with them. Last June the Navy yielded to tremendous pressure and announced that Negroes again would be accepted for regular combat service. This concession was made in the most grudging spirit, and was surrounded with a mass of humiliating restrictions:

Courtesy "The People's Voice"

U. S. Navy: "Cullud Section"

1. Negroes are trained at Jimcrow training stations.

2. They are accepted only as "reservists," for service in "district craft" (small boats) and on shore around Navy Yards and construction projects (that is, labor gangs).

3. All craft manned by Negroes are to be 100% colored—except, of course, for the officers, who are 100% white.

4. Negroes are not eligible for commissions as officers — which means, among other things, that the women's naval auxiliary, the WAVES, is 100% lily white, since a WAVE is a commissioned officer.

5. All Negro enlistments are to terminate automatically six months after the war is over, so that the Navy can rid itself of these undesirables once the fighting is over. The effects of this provision on the morale of Negro sailors may be imagined.

Even with all these safeguards against the ruinous effects of a more democratic treatment of Negroes, the Navy is still taking no chances. It is almost a year since the new policy was announced, and yet at the present writing, only 1,000 Negroes have completed even their preliminary training for the Navy.

THE AIR CORPS SCANDA

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THE AIR CORPS SCANDAL

"Reactionary policies and discriminatory practices of the Army Air Force in matters affecting Negroes were the immediate cause of my resignation as Civilian Aide to the Secretary of War." In these words, on January 18, 1943, Judge W. H. Hastie announced that, after two years of getting nowhere in his War Department post, he had reached the end of the road. The straw that broke Judge Hastie's back was the Air Corps' decision last December to set up a jimcrow officers' training camp, thus taking a step *backward* from Army practice. But there were many straws before that.

Flying is a romantic (and highly paid) military job, and the Army Air Corps apparently considers itself much too aristocratic to put up with Negroes. When the Senate in 1939 passed a law requiring the Army to train Negroes as pilots, *Time* magazine reported that the Air Corps "much distressed, quietly went to work on Capitol Hill to get Negro training killed." for two more years, the Corps was able to keep out Negroes altogether. A typical story was that of Walter L. Robinson, a Negro who had finished his C.A.A. training course thirteenth in a class of 300, who was told: "There is no place for a Negro in the Air Corps." Robinson went to Canada, where he was instantly accepted as a pilot in the Royal Air Force. Finally, early in 1941, Yancey Williams, a highly qualified Negro pilot, brought suit to compel the Corps to accept him. *The very next day* the Corps announced that a training center for Negro pilots would be opened at Tuskegee Institute.

The Tuskegee school has turned out to be strictly eyewash. It is, of course, jimcrow (despite strong protests by Judge Hastie). It is over two years since it was announced, and not a single Negro flyer has yet been assigned to actual combat service. In its first year of operation it turned out exactly 50 pilots, which means it will take over 20 years for the 1100 Negroes who have passed the tests for the Air Corps to get their basic training. It trains pursuit pilots only, and the pursuit plane is of decreasing importance in modern warfare. Further, these pilots lack trained ground crews, since the Corps refuses to train Negro mechanics at white centers and has not got around to setting up a jimcrow center.

The familiar slanders about Negroes being incompetent to fly planes are whispered to justify this shameful record. A pilot needs good coordination and quick reflexes above all. That the race which produced Joe Louis, Jesse Owens, Satchelfoot Paige and hundreds of other great athletes cannot fly planes—this is a bit of racial mythology worthy of Dr. Goebbels. Out of 100 Negroes who took C.A.A. courses in 1940, 91 qualified for licenses. In one important branch of aviation, namely night flying, recent evidence shows that Negroes are better qualified than whites. Two scientists who tested 4,000 Army truck drivers found that the colored drivers had much keener night vision than the others. "We never even suspected this phenomenon before," they reported (*Time*, June 30, 1941). "It may result in changes in our military setup on land, sea and in the air." This is the opinion of mere scientists The racial philosophers in charge of our armed forces know better: they have refused to make use of this or any other special talent of the colored people.

RED CROSS, DOUBLE CROSS

When Negroes see those posters showing a white-robed Red Cross nurse, representing "The Greatest Mother in the World," stretching out her hands

in appeal for funds, they smile bitterly. For the American Red Cross has actually applied jimcrow to the "blood banks" from which it gives transfusions on the battlefield. At one time it refused to accept blood donations from Negroes at all. It now accepts Negro blood but processes and stores it separately "so that those receiving tranfusions may be given plasma from blood of their own race." The Red Cross has to be very careful with its labels, for no scientist has yet been able to demonstrate the slightest difference between colored and white blood—or between the blood of any races. The difference exists only in the imagination of a Hitler—or of the directors of the Red Cross, the Surgeon Generals of the U. S. Army and Navy, and the Secretaries of War and Navy, all of whom approved the policy of segregating Negro blood on January 21, 1942. This episode shows us how far those in command of our armed forces have come to accept the racial mythology of the enemy.

Those are the facts, and it is not a pretty picture. What can be done about it? There are three important factors:

(1) The colored people of America have come a long ways since the last war; they are no longer willing to be pushed around as an inferior race.

(2) The Roosevelt Administration has backed up the jimcrow policies of the military authorities as much as it dared; nothing can be hoped for from Washington without a much tougher fight than the Negroes and other friends of democracy have put up so far.

(3) This great issue must be faced; it cannot longer be evaded and compromised as our political leaders are trying to do. Either you advance towards real democracy, and the Negro with you; or you go backward to racialism and fascism.

Let us consider each of these points briefly.

1. THE NEGRO IS ON THE MARCH

The American Negro has made tremendous advances in the last twenty years, in education, in independence and self-respect, in consciousness of his rights as a citizen of a democracy. These gains are shown in a rise in social status, despite all the efforts of reactionaries to bar his advance. Even in the armed forces, for example, the new American Negro has forced some important concessions he did not have in the last war. It is true that the anti-discrimination clause of the 1940 Draft Act is being violated by the military authorities, but the 1917 Draft Act lacked even the clause. Over 1800 Negroes are serving on draft boards throughout the nation, a great advance over 1917. The Marine Corps recently admitted Negroes for the first time in its history. In the last war, Negroes were confined to the infantry; this time there are Negro units of mechanized troops, armored forces, tank destroyers, anti-aircraft service—shamefully few of them, it is true, compared to the number of qualified Negroes, but still a few. Negroes are in the air force—again, very few, but in the last war there was not one. It took all sorts of pressure to get even a jimcrow officers' training camp for Negroes in the last war; this time colored officer candidates are trained in the same unsegregated schools. We have seen how grudgingly these concessions have been made, and how most of them are so

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much whitewash. But it is significant that in the last war the military authorities didn't even have to use whitewash. The change in attitude is a response to the stronger pressure from a more conscious and better educated colored population.

2. THE ROOSEVELT RECORD — WORDS VS. DEEDS

In the crucial months before the 1940 Presidential election, the Roosevelt Administration worked out its formula for dealing with "the Negro problem": *Democracy in Words, Jimcrow in Deeds.* The Rooseveltian formula is an attempt to square a political circle: to maintain a jimcrow army without losing the political support of the nation's thirteen million Negroes.

On September 14, 1940, President Roosevelt signed the Draft Act, with its Section 4(a). On September 27th he received with his customary geniality a delegation of three Negro leaders who came to present him with a program for actually carrying out Section 4(a). The leaders were Walter White, of the NAACP, T. Arnold Hill, of the National Urban League, and A. Philip Randolph, of the Brotherhood of Sleeping Car Porters. Their detailed 7-point program called for equal treatment for Negroes in all branches of the armed services. They got their answer on October 9, when the White House issued a press release stating that traditional jimcrow policies would be continued by the Army and Navy, and that, except for three regiments, all present and future Negro units would have white officers. "This policy," added the release, "has proven satisfactory over a long period of years, and . . . it is the opinion of the War Department that no experiments should be tried with the organizational set-up of these units at this critical time." The release also implied that Messrs. White, Hill and Randolph were in agreement with this statement of policy, which violated every detail of the program they had submitted ten days earlier.

The three Negro leaders at once issued a strong repudiation of the alleged "agreement":

"We question that the jim crow policy of the Army 'has been proven satisfactory.' It has never been satisfactory nor is it now to Negro Americans. Such segregation has been destructive of morale and has permitted prejudiced superiors to exercise their bigotry on defenseless Negro regiments.

"We are inexpressibly shocked that a President of the United States at a time of national peril should surrender so completely to enemies of Democracy who would destroy national unity by advocating segregation. Official approval by the Commander-in-Chief of the Army and Navy of such discrimination and segregation is a stab in the back of Democracy."

This statement put the White House in a very tight spot. The elections were only a few weeks off, and the Negro vote was an important factor in Roosevelt's calculations. On the other hand, the Army and Navy stood firm on jimcrow, and the President lacked either the courage or the will to crack down on them. Some whitewash was needed badly, no matter how cheap so long as it covered up the ugly reality. On October 25, therefore, a week before the elections, three Negroes were appointed to high posts in the military apparatus: Judge William H. Hastie became Civilian Aide to the Secretary of War; Colonel Campbell Johnson became Special Aide to the Director of

the Draft; and Benjamin O. Davis, the only Negro colonel in the Regular Army, was made a Brigadier-General, the first Negro to reach general's rank.

These appointments, of course, made no real difference. As we have seen, Judge Hastie recently resigned after two and a half years of ineffectual protests, nor do the other two appointees seem to have been any more successful in liberalizing the Army's policies. However, the crisis was met, or rather postponed, and Roosevelt was reelected. A few more concessions have been made since then, as we have seen, but the Rooseveltian formula still persists basically unchanged: *Democracy in Words, Jimcrow in Deeds.*

3. THE ISSUE MUST BE FACED — NOW!

Every one remembers the terrible race riots that took place during and after the last war in this country. The East St. Louis riot—or rather massacre—of 1917 in which at least 39 Negro men and women were killed and the entire colored section of the city was burned down. The 1919 Chicago riots, in which 20 Negroes and 14 whites died in three days of savagery. In the single year, 1919, there were 26 race riots throughout the country. Just what part the jimcrow policies of the Army played in these outbreaks is not known, but it must have been a considerable one. Millions of young whites and Negroes were segregated from each other, taught to regard each other as alien creatures. At least one of the worst 1919 riots, in Washington, D. C., was directly caused by friction between white and colored soldiers.

After this war, we will be lucky if the Army's racial policies inflict nothing worse on us than race riots. A new and sinister kind of political doctrine has arisen since the last war, which feeds on racial antagonisms. A few years ago we got a glimpse of it in the anti-Semitic preachings of Father Coughlin and the Silver Shirts, in the anti-Negro agitation of the revived Ku Klux Klan and Detroit's secret Black Legion. Unless the present policies of the armed forces are greatly liberalized, the veterans of our jimcrow army and navy will make the best possible post-war breeding ground of a new native fascism.

Nor is the danger by any means confined to the *white* veterans. The "Pacific Movement of the Eastern World" was launched by Japanese agents with the slogan: "The Japanese are brothers of the Negroes and the Negro race will be better off under Japanese rule than under white rule." This kind of propaganda has attracted little support among Negroes . . . yet.

Consider a case typical of hundreds, if not thousands—that of Donald Sullivan, who preferred a three-year term in the Federal Penitentiary to serving in a jimcrow Army. According to the *N. Y. Times*, of May 21, 1942, he "became embittered when he tried unsuccessfully several years ago to join the Navy."

It is not hard to understand Donald Sullivan's feelings. Nor those of Harry Carpenter, a Philadelphia Negro, when he said to a colored sergeant last year: "This is a white man's war and it's no damn good."

Harry Carpenter was arrested for treason. But you can't arrest thirteen million people.

Jimcrow in uniform is an intolerable insult to the thirteen million colored citizens of this country. It violates the most basic principles of the democracy

our leaders say we are fighting for. It spreads the most vicious of Hitler's doctrines among the very soldiers and sailors who are dying in battle with Hitler's armies.

Jimcrow in uniform must go! Every colored person in America, every real friend of democracy in America must take up the fight and refuse to be satisfied with anything less than the smashing of racial barriers throughout the entire armed forces. Jimcrow in uniform must go!

The material in this pamphlet has been drawn almost entirely from printed sources.... For a week-to-week coverage of military jimcrow, I found *Time* and *P.M.* especially good. ... The most complete material on jimcrow in the Air Corps appears in the various statements by Judge W. H. Hastie in the last two months, obtainable from the Press Service of the National Association for the Advancement of Colored People, 69 Fifth Ave., New York City. . . . *The Negro Handbook*, edited by Florence Murray, contains statistics and a very useful chronology on Negroes in the Army. . . . The section in this pamphlet on the Lynn case is mostly reprinted without change from an article by myself, "The Novel Case of Winfred Lynn," which appeared in the *Nation* for Feb. 20, 1943, and I wish to thank the editors of the *Nation* for permission to reprint. . . . A lavishly illustrated 64-page brochure on "Negroes and the War" may be obtained from the Office of War Information. It costs nothing and is worth it.

The following articles contain useful information:

"The Right to Fight for Democracy," by Walter White. *Survey-Graphic*, Nov., 1942.
"Colored Soldiers, U. S. A.," by Earl Brown. *Survey-Graphic*, Nov. 1942.
"Legal Status of the Negro in the New Army," by Milton R. Konvitz. *The Guild Lawyer*, Dec. 1940.
"Jim Crowism in the Army and Navy." *Lawyers Guild Review*, March 1941.
"Negroes Are Fighting for Freedom," by Shirley Graham. *Common Sense*, Feb. 1943.
"The Negro's War." *Fortune*, June 1942.
"It's Our Country, Too." by Walter White. *Saturday Evening Post*, Dec. 14, 1940.
"Negroes and Defense," by M. T. P. Lochard. *The Nation*, Jan. 4, 1941.

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March on Washington Movement,
2084 Seventh Avenue, New York City.

I want to help you get out a million copies of "The War's Greatest Scandal—the Story of Jim Crow in Uniform."

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THEY CALL IT MURDER

Twenty-three years ago a baby boy was born near Gretna, Virginia. He was a little Negro baby and the pride of a Southern Negro mother's heart. Odell was the name this mother gave her son — Odell Waller — and she and Odell's father kept on working at the hard and ill-paid labor imposed upon working class folks by the profit system with its exploitation and oppression of the wage-slave.

Mother Waller and her husband worked hard to care for their son and to raise him from babyhood. They struggled and saved to send him to grade school and high school. They planned to bring their son into young manhood prepared to meet life and cope with it as would become the son of hard working and courageous parents. Odell's parents succeeded but the Wallers were Black.

The Wallers and their son were Negroes. They were Black folks born in the Jim-Crow South. So their task of raising little Odell was doubly hard. Not only did they have to slave as all parents of the working class have to do but, because of their color, the Wallers had to do the hardest and dirtiest and most ill-paid kind of work. They were always the first to be fired when work got scare and the last to be hired when jobs picked up.

Little Odell learned in earliest childhood what it means to be born a member of the working class. He learned what it is lke to work for a master because he owns the land, the houses and barns and all the tools and machinery. A master who lives in the "big house" and wears fine clothes and eats good food while his croppers and tenants, who do the work, live in the humblest of shacks, wear the scantiest of poor clothing, and eat the poorest food such as "turnip greens" and "fat-back" or "chitlin's" and black-eyed peas.

LEARNS OF JIM CROW

Then little Odell learned another lesson — the lesson of "being Black" — of being a Negro. He learned that he couldn't play with "white folks chillun". He learned to step off to the side and touch his cap when the highest or lowliest of white folks passed by. He learned never to speak back to "white folks" or to ever defend himself from any abuse or wrongs the white masters might hand him. Odell saw doors through which all white folks could go but through which no black folks ever dared to pass. Little Odell heard fearsome tales of lynch mobs and of "Nigger fruit" hanging from trees; hanging because some wronged Negro had "talked back" and thus become an "uppity Nigger."

Yes. Odell learned the dreary lesson of the wage-slave, Negro or white. He learned the lesson of the lynch mob and of "Old Jim Crow."

BECOMES A CROPPER.

Then, two year ago, Odell's father died. The land the Waller family had been working was sold by the white Chatham, Virginia, landlord and Odell and his mother took all the property left them, a stick or two of old decrepit furniture, a couple of pigs, a little fertilizer and a wheat binder, and went to "croppin" on the land of White man Oscar Davis. They went "croppin" tobacco and wheat on quarter shares.

Young Waller, now aged twenty-two, took himself a wife and there were three to work the Davis crops and live in the miserable little shack on the Davis land.

Now, came the great government from Washington and said to Mr. Davis, white land-owner: "Mr. Davis, too much tobacco is being grown. The big growers, buyers and processors of tobacco can't make enough profits if there is such a big crop. So we have taxed the buying public and raised millions of dollars that way. We also have made a law in Washington called the Agricultural Adjustment Act. Now, we can take some of this money and give it to you, under the law, if you will not raise so much tobacco this year."

LANDLORD REDUCES CROP ACREAGE

So Mr. Davis took the government's money and put it in his pocket all for himself. There was nothing out of it to pay Waller for his work in preparing the land for the crop or for the fertilizer Waller put into the soil. Then Davis went to Waller and told him that he could raise only half as much tobacco as he had last year.

Waller knew that this little bit of tobacco, only 300 hills, could not bring him enough to live. So, there was still left the little truck garden beside the shack. There was still a pig left to fatten and kill for some winter meat. Waller's mother was working up at the landlords house for Mrs. Davis and some money was due her. And there was the right to live in the shack until the end of the harvest season. So Waller went north to Baltimore to work for wages. He left his wife and mother on the Davis land to take care of the pig and the garden patch and to help "make the wheat crop."

While Odell was gone Mr. Davis had the Wallers working on HIS crops, but Davis refused to pay them. He also refused to pay mother Waller for the work she had done for the white folks up at the house. Davis finally took ALL the wheat, his own as well as Waller's quarter share, and moved it into the Davis granary. When mother Waller protested against this and also demanded some of her back wages Mr. Davis reviled and abused her and went to the sheriff and had the Wallers evicted from their little shack.

Odell, in Baltimore, heard about the action of Davis and the condition of his wife and mother. He returned to his home to see about it all. He found Annie, his mother, and Mollie, his wife, living off the kind of charity of colored neighbors and friends.

DEMANDS HIS WAGES

Waller then went to Mr. Davis to demand the wages due his people: to demand his quarter share of the wheat; to get his binder back which Davis had been using without paying for it.

But Negroes in the South don't "demand" things of white folks. That is the unpardonable sin. So, true to the best traditions of the Southern landowners, Mr. Davis threatened and abused Waller and ordered him off the land without wheat or the wages due his family. Finally, in extreme anger and rage, Davis reached for his "gunpocket."

Now in Virginia in the countryside everybody has a gun. There is a Virginia law which says that if a man thinks his life is in danger he has a right to carry his gun and to USE IT TO PROTECT HIS LIFE. So Waller had a gun and when Davis reached for his "gun pocket" Odell shot and wounded his landlord who died three days later of a collapsed lung. This lung collapse was not the result of the gunshot wound as the lung and its immediate vicinity were not injured. The doctors who operated on Davis say he probably would not have died from the gunshot wounds. They say that the anaesthetic caused the lung collapse and was the direct cause of Davis's death.

FRAMED TO DIE

Now Odell seats in the death cell of the state prison at Richmond, Virginia, condemned to die in the electric chair. He was originally sentenced to die on the 27th of last December but his friends and our organization have fought his case and won Odell a reprieve until March 15th, 1941. We are now appealing the verdict to the Virginia State courts and demanding a new trial for Waller. We are also prepared to carry the case up to the United States Supreme Court.

In Virginia, as in several other states, there are poll tax laws. These laws keep over ten million of the working class and Negro population from voting or serving on juries. Since poor working people never have any real cash money from one year's end to another they certainly cannot pay the poll tax. Therefore they do not vote and do not serve on juries. Only the rich and well to do, the business men and the landowners, vote and do jury duty in the strong poll tax states. In the last elections about 45% of the population voted in the Non-poll tax states but less than ten per cent. voted in the Southern poll tax states. These facts deny the poor man, who is up for trial, the right of trial by a jury of his peers (equals) and, instead, gives him a trial by a jury of his masters, the rich and the powerful.

Throughout America both Negro and white tenant farmers and sharecroppers are being driven off the land by the Federal Government's use of the A.A.A. to tax people in order to pay landowners for keeping good land idle while millions of Americans cry for more food. But the tenants and "croppers" never get any of this government money. They join the "Okies" of "Grapes of Wrath" and wander, hungry and friendless, over the land.

A few, like Waller, attempt to fight back — but "lily-white landlord juries call it "murder in the first degree".

Millions of working men and women organized in the trade unions are angry today because the government of the United States, and the state and local governments are "crackng down" on labor — denying labor the right to strike; putting decisions of the National Labor Relations Board in the hands of appointed federal courts for review and final verdict; labor is being attacked by the Thomas Deweys and Elliot Nesses of the nation.

A CASE FOR LABOR TO FIGHT

Labor's troubles today are the result of the same processes and conditions which bring Odell Waller face to face with the electric chair. Waller's is labor's case. Labor must free Waller, and by doing so, strike a blow at conditions and processes which affect Waller and labor alike.

CALL FOR BROAD UNITED FRONT

While all these things were being done, the Revolutionary Workers League sent out letters to all labor and sympathetic organizations asking them to join in the fight to free Waller. Most of the organizations did not even answer. Those which did were not interested in the case, or else wanted the Waller Defense Committees and the R.W.L. to drop out of the case and let them handle it on purely legal grounds, without mass publicity and agitation, and without the independent class action of the awakened labor movement.

Knowing the history of all cases of labor's rights, and civil liberties, wherein the defense has consisted of legal lawyer-battles before the courts, and the pitiful sell- outs for all such cases, the Richmond Waller Defense Committee, and its affiliated and supporting committees throughout the country, as well as the Revolutionary Workers League, refuse to sell out the Waller Case to the tender mercies of the pure legalists and parliamentarians. We asked for the support of these people but insisted that Waller's defense should be conducted in two spheres: one, the mobilization of the masses behind the Waller defense; and two, the legal defense.

When Waller shot his oppressor, he fled the state

of Virginia. He was taken in custody in Columbus, Ohio. The Revolutiona y Workers League, U.S.A., heard about Waller's case and, durin the first week in August, 1940, sent a representative from its Cleveland branch to see what could be done about Waller. Immediately, then, the Richmond, Virginia, branch of the R.W.L. was instructed to see Waller when he was returned to Virginia, and to hire lawyers to defend him. This was done and Attorney Thomas H. Stone, of Richmond and Attorney Byron Hopkins of Richmond secured Waller's power of attorney and began the preparation of his defense.

In the meantime, the Revolutionary Workers League set out to accomplish three tasks: One, to defend Waller in court. Two, to begin building Waller Defense Committee throughout the nation for the purpose of giving the widest publicity to the Waller Case. Three, to interest all other labor and sympathetic organizations in the case and get their co-operation.

The first two of the above tasks were carried out fairly well. The Richmond Committee came into being; local committees were established in many cities of the country; the Waller Case became known to the labor movement; legal defense was prepared.

COME IN AFTER TRIAL

After long and dangerous delay, while the Waller Defense Committee and the R.W.L. alone carried the the burden of Waller's defense, and after pressure on the rank and file membership of the hesitant organizations had been brought to bear; after the case of Waller had been made known to the labor movement; after Waller's trial, then, and only then, did some of these organizations come into the Waller Defense.

The Workers Defense League entered the case after such long delay, and the National Association for the Advancement of Colored People, working a little through the W.D.L., has come into the case because of the mass pressure developed by Waller Defense Committees.

This support is considerable and very necessary as the Waller Defense Committees are not strong enough yet to handle the case alone. We are glad that the W.D.L. and the N.A.A.C.P. are on the case. But these organizations are still insisting that the Waller Defense Committees drop out and let them handle the case alone. This, of course, we will refuse to do.

We, who found this case and developed it; we who remember how organizations with the same line as the W.D.L. and the N.A.A.C.P. finally forced the militant labor organizations out of the defense of the Scottsboro boys, and then proceeded to compromise their case along purely legal lines, as they now wish to do with Waller, and sold the Scottsboro boys down the river; (we remember) that some of the Scottsboro boys are still in prison as a result of that sell-out) — we are determined that the Waller Case shall not be so betrayed. We welcome the legal support of the Workers Defense League and the N.A.A.C.P.; but we will not deliver the case entirely into their hands.

COMMITTEE WILL CONTINUE FIGHT

The Waller Defense Committees are on the job to stay. We will grow and carry the mass fight far and wide until Waller is free; until the freeing of Waller has struck a vital blow at the vicious poll-tax-system; until the freeing of Waller has sent another deadly wound into the system of tenant farming and sharecropping of the South; until the freeing of Waller has dug another depth in the grave of Old Jim Crow.

Support the Waller Defense Committee. Build a local committee in your own city or town, and affiliate to the Richmond Committee. Elect a Waller Defense Committee in your trade union, your club, or your social organization, and aid the Richmond Committee's fight to free Waller. Beware the danger of legal and parliamentary defense alone. Carry the fight to the broadest masses. Send funds to the Richmond Committee so we can defend Waller, and free him, and publish his story and its meaning throughout the land.

Send all funds to:
RICHMOND WALLER DEFENSE COMMITTEE
Room 429,
1103 E. Main St.,
Richmond, Va.
Make all checks, drafts and money orders payable to

Miss Paula Subienne,
Treasurer, at the Committee headquarters.

Free Waller and rid society of his enemies and ours — Rid the nation of the poll-tax and the inequalities of the A.A.A. Strike a blow at old Jim Crow.

SUPPORT THE RICHMOND WALLER DEFENSE COMMITTEE

Room 429, 1103 N. Main St., Richmond, Virginia

C.B. COWAN, chairman

PAULA SUBIENNE, secretary-treasurer.

Labor Donated

Flood of Protest Letters Secure Postponement of Sharecropper Trial

The New York Age Oct. 5th

CHATHAM, Va.—Protest telegrams pouring in to the court put a halt this week to the attempt to railroad Odell Waller, young Negro sharecropper, to the chair by rushing his trial only three days after he was indicted.

Judge Clement of the Circuit Court of Pyttsylvania County, Va., backed by Commonwealth attorney Whitehead, had refused to continue the case or give the defense time to summon important witnesses. The protest telegrams brought a sudden change and the judge granted a continuance until September 26.

Waller, 23-year-old Negro sharecropper, is charged with shooting to death his white landlord in a dispute over the division of the crops. Waller is married, has no children but supports a widowed mother. He has had three years of high school education.

In [illegible] 1939, Waller moved [illegible] of Oskar Davis, was which had been worked on by his wife, mother and himself. He went armed, having been threatened by Davis and knowing his temperament. Davis refused to allow him anything at all, and reached for the pocket in which he usually kept his pistol. In fear of his life, Waller shot and killed Davis, and fled, fearing mob violence. He was captured a few days later in Columbus, Ohio, whence he was extradicted on August 6th to Chatham, Va.

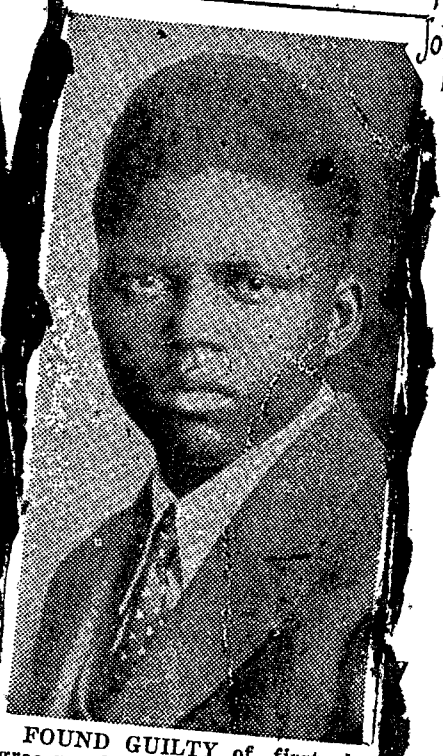
Lawyers Thomas H. Stone and J. Byron Hopkins, both from Richmond, Va., are cooperating in the defense.

Calls Judge Biased

The defense attorneys are f[illegible] ing to get a change of v[illegible] Judge Clement showed his b[illegible] his insulting remarks to Neg[illegible] fense counsel Hopkins. The [illegible] businessmen of Gretna and [illegible] tham are united in crying [illegible] damn nigger ought to be [illegible] Waller committed the [illegible] able sin—resisting a whi[illegible] other croppers should fo[illegible] ple it would be jus[illegible] 'croppet [illegible] ed ex[illegible]

Doomed To Die

Journal & Guide Norfolk, Va. Oct. 5th 1940



FOUND GUILTY of first degree murder in Pittsylvania County Circuit Court last week, in connection with the slaying of Oscar Davis, white landlord-farmer, Odell Walker, 23-year-old youth was sentenced to death in the electric chair. Attorneys for the doomed youth announced plans to appeal to the State Supreme Court.

Sharecropper Gets Sentence of Death

Richmond Afro-American Oct. 5th

CHATHAM, Va.—An application for a writ of error will be made by attorneys in the Waller case which ended here on Friday week, when the sharecropper, accused of the murder of Oscar Davis, white farmer of Pittsylvania County last July 15, was sentenced to die in the electric chair at the State penitentiary on Friday, December 27.

Odell Waller, 23, was defended by Thomas H. Stone, white, and J. Byron Hopkins, Jr., both of Richmond. The case for the prosecution was handled by Commonwealth's Attorney Joseph Whitehead, who asked for a death verdict in his final argument if the jury felt that Waller shot the white farmer deliberately or without justification.

Refuses to Quit

Soon after the trial got under way, the defense made a motion that Judge Turner Clement of the Pittsylvania County Circuit Court disqualify himself and ask Governor James H. Price to appoint another judge on the ground that Judge Clement had made prejudicial and [illegible] remarks

Took Precautions

Sheriff Archer Overby, however, one of the State witnesses, admitted that after he had brought Waller back [illegible] where he fled after [illegible] he was informed [illegible] that a lynch mob [illegible] formed, but he said [illegible] the [illegible]

Sharecroppers h[illegible] had paid the $1[illegible]

$2000 CAN STOP JUDGE LYNCH.....!

Odell Waller is scheduled to die in a Virginia electric chair on December 27th, 1940. An all-white, landlord-dominated jury found this 23-year-old Negro sharecropper guilty of first degree murder after the self-defense killing of his white landlord, Oscar Davis.

Waller is a typical victim of the planter justice which has ground down the poor people, white and colored, of the Southern [illegible]s. He was tried in a [illegible]y a judge who made no [illegible] anti-Negro bias and [illegible]onsisting of a busi[illegible], and *ten landlords*. [illegible]up only of those who

NOTE:

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Sharecropper Aid

WITH winter at hand, please remember the plight of the sharecroppers who have to face the cold weather with less than what the ordinary city dweller would call miserable clothing and shelter. Don't forget the WDL drive for "Clothes for Sharecroppers". Send whatever clothing and bedding you can spare to the WDL national office, 112 East 19th Street, which will rush them out to sharecropper families instead of to the Southern Tenant Farmers' Union national office in order to save the union the cost of re-shipping. If you wish to, you may write J. R. Butler, president, S.T.F.U., Box 5215, Memphis, Tenn., for a list of sharecroppers to send material to directly.

Brotherhood of Sleeping Car Porters, Oakland, Calif.; James Farmer, vice-president, United Christian Youth Movement, fellow at Howard University, Washington, D. C.; Layle Lane, International executive board member, American Federation of Teachers, columnist for the New York Age; Oliver R. Pilat, journalist, feature writer, New York Post; A. Philip Randolph, international president, Brotherhood of Sleeping Car Porters; Noah C. A. Walter, Jr., assistant manager, New York Laundry Workers Joint Board, Amalgamated Clothing Workers of America. In addition, Alfred Baker Lewis, a member of the board of directors of the NAACP, is also an executive board member.

Contributions to the Waller Defense Fund, said Clendenin, should be sent to the Workers Defense League office at 112 East 19th Street, New York City.

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WORKERS **DEFENSE** BULLETIN

Official Monthly Organ of the WORKERS DEFENSE LEAGUE
National Office, 112 East 19th Street, N. Y. C., ALgonquin 4-4954

NEW SERIES No. 2 (247) NOVEMBER, 1940

FUNDS NEEDED AT ONCE TO SAVE LIFE OF SHARECROPPER WALLER

New Trial Sought in Case of Christ Popoff, Now in Attica, N. Y. Prison

THE WORKERS DEFENSE LEAGUE is appealing the conviction of an upstate "labor agitator" who, careful study of the case has convinced the league, was railroaded to prison because of his unpopular activities in connection with working class causes. Morris Shapiro, WDL national counsel, is handling the case.

Christ Popoff, of Syracuse, N. Y. is in Attica State Prison, Attica, N. Y., on a 15 to 25-year sentence charged with attempted arson at a restaurant in Watertown, N. Y. The case against him rests upon the testimony of a confessed arsonist (who, pleading guilty, was given from two to five years) and of a close friend of this state's witness who claimed that he had driven the two men from Syracuse to Watertown after midnight "without knowledge of their purpose." Also chalked up against Popoff is a previous arrest and sentence to a short prison term for allegedly assisting an alien illegally in this country to obtain

Continued on Page Three

CLENDENIN'S TOUR

FOLLOWING is the itinerary of David L. Clendenin, WDL's national secretary-treasurer, on his tour of nine states during the Roll Call for Labor's Rights:

Nov. 22—Cleveland, Ohio.
Nov. 23-26 — Detroit, Flint, Pontiac, Mich., Toledo, Ohio.
Nov. 27-30—Chicago, Milwaukee, Kenosha.
Dec. 2—Madison, Wisconsin.
Dec. 4-6—Twin Cities (St. Paul and Minneapolis).
Dec. 8—Burlington, Iowa.
Dec. 10, 11—St. Louis, Missouri.
Dec 13, 14—Louisville, Kentucky.
Dec. 16, 17—Richmond, Virginia.
Dec. 18, 19—Washington, D. C., and Baltimore, Md.
Dec. 20—Philadelphia.

Organizations, including WDL branches, which wish to arrange speaking dates for Clendenin should write promptly to Speakers Bureau, Workers Defense League, 112 E. 19th Street. Other speakers will be available for cities not listed above.

WDL Appealing Case of Convicted Virginia Negro, Sentenced to Die Dec. 27

THE WORKERS DEFENSE LEAGUE has taken over the case of Odell Waller, Negro sharecropper sentenced to die December 27, and will appeal the case first to the Supreme Court of Appeals of Virginia and then, if necessary, to the United States Supreme Court. The decision to handle the case (in cooperation with the National Association for the Advancement of Colored People) came after a conference Nov. 2 with Thomas H. Stone, attorney for Odell Waller, and with representatives of many Negro and white organizations. The conference was attended by Thurgood Marshall, national counsel for the NAACP, as well as WDL national officials. Stone, a Richmond attorney who is a member of the WDL, will continue to handle the case, with the aid of other interested attorneys.

"About $2,000 is needed to carry the case through the Supreme Court," a statement signed by Mr. Stone and WDL National Sec. Treas. David L. Clendenin points out. **"Of this amount, $350 must be on hand by Nov. 19** to cover the cost of the record in the appeal to the Supreme Court of Appeals of Virginia. The WDL, with the cooperation of the NAACP, is handling the case. RUSH CONTRIBUTIONS TO THE NATIONAL OFFICE, Workers Defense League, 112 East 19th Street, New York City."

The Odell Waller case, with which the WDL has been concerned (though not publicly) since August 15, involves the whole question of the status of the Negro sharecropper in the South, the impossibility of his getting full economic justice or just ordinary fair treatment when his landlord is both white and unjust, and his inability to get plain justice in the courts when he is driven to resent his treatment. Also involved is the problem of the legal status of Negroes and poor whites in the South: colored workers are in fact barred from Southern juries, and in Virginia the jury list is made up from the names of those

Continued on Page Two

ROLL CALL FOR LABOR'S RIGHTS NOV. 20 - DEC. 20

AN EARNEST LETTER TO ALL MEMBERS AND FRIENDS

DEAR Co-Worker:

This letter opens the **Roll Call for Labor's Rights**, to be held November 20 to December 20, 1940. It is the aim of the Roll Call to arouse the nation to grave threats to labor's rights, and to strengthen the movement for defense of labor's rights by enrolling thousands of laborites and liberals as members of the Workers Defense League.

In this period of rapid change in our social structure, it is especially urgent that the Workers Defense League develop organizationally to cope with the violations of workers' rights as they occur. Some cases are treated in this issue of the Workers DEFENSE Bulletin: others are left out because of lack of room—and we have only just begun to scratch the surface! We cannot cope with these problems, we cannot safeguard labor's rights in America, unless you and other WDL members and friends work hard to make the Annual Roll Call for Labor's Rights a real success.

What is the Roll Call? The Roll Call for Labor's Rights is a campaign to get

Continued on Page Two

EDITORS PLEASE NOTE: The material in this Workers DEFENSE Bulletin is not copyrighted and we should be pleased to have you quote it. We should appreciate your mentioning the Workers Defense League, of course.

Workers
DEFENSE
Bulletin

Published Ten Times a Year
By the Workers Defense League
112 East 19th Street, New York City
ALgonquin 4-4954

David L. Clendenin..... *Nat'l Sec.-Treas.*
Morris Milgram..... *Ass't Nat'l Sec'y*
Samuel H. Friedman..... *Editor*

New Series Number 2.
NOVEMBER, 1940

ROLL CALL FOR LABOR'S RIGHTS NOV. 20 - DEC. 20

Continued from Page One

all laborites and liberals to register their willingness to defend labor's rights by enlisting as members of the WDL. All present members and all persons who join will receive a new button bearing the national emblem of the WDL. Special material is being prepared for the Roll Call including folders and posters. In addition, the Roll Call is the time to get people not only to join but also to make an annual contribution to the work of the WDL. (The Roll Call for Labor's Rights replaces the usual fall fund drive.)

Detailed directives for the Roll Call have been sent to branch secretaries. If there is no branch in your city, call together laborites and liberals to form a branch and to sponsor the Roll Call. But don't forget to write us for detailed directives.

Together we can build the WDL as the broad nonpartisan arm of the labor movement to preserve and extend labor's rights. We can carry on the fine traditions of the WDL, established in fighting Haguism, planters' and mob rule, Klan floggers and martial law against workers.

Morris Milgram, assistant national secretary of the WDL, is in charge of the drive and has prepared the directives. He will be in close touch with you during the campaign. Your national secretary will make a tour of the branches during the period of the Roll Call, and will be available for speaking dates as indicated in this bulletin. We know that the active cooperation of our branches, our members and friends will make the Roll Call a success.

We hear a great deal about enlistment for defense in these dangerous days. In these dangerous days for labor, ENLIST FOR LABOR'S RIGHTS!

Sincerely yours,
DAVID L. CLENDENIN,
National Secretary-Treasurer

RUSH FUNDS TO SAVE LIFE OF CONVICTED SHARECROPPER

Continued from Page One

who have paid their poll taxes, keeping all poor people, Negro and white, off juries. The judge, admitting this, says he feels only well-to-do citizens should be on juries.

The case, as outlined in the statement by Stone and Clendenin, is that of a 23-year old sharecropper who, refused payment for his own work and that of his wife and 65-year old mother and angered at maltreatment to which all three had been subjected, killed his landlord in self defense in the course of a bitter quarrel over what was due him and his family. Odell Waller, the Negro sharecropper, moved on to the land of Oscar Davis near Gretna, Va., about Jan. 2, 1939. The land was set out in tobacco, corn and wheat, and the agreement was that Davis was to furnish supplies and tools, and that Waller, supplying the labor, was to get one-fourth of the product. Despite this agreement, Waller was compelled to pay for the fertilizer himself.

At this time, the Federal government stepped in with its conservation program and wanted to cut down on the tobacco acreage. Waller had already performed the work, but was peremptorily told by Davis that he could either work on the wheat or get out, and that he would be paid nothing for all his labor on the tobacco. In addition, Davis also owed Waller's old mother for four weeks' nursing at $7.50 a week, having paid her only $2.50 weekly. After some dispute, Waller—left with no recourse—had to abandon any immediate claim for the money due him on the tobacco and the sum he had spent for fertilizer and had to go to Maryland to look for work. While he was there, his wife and mother, both of whom had worked on the Davis land, were evicted by Davis.

When Waller returned from Maryland, he went with a truck and another man to get his share of the wheat which had been worked on by his wife, his mother and himself. He went armed, because he had had previous experience with Davis and knew Davis' general temperament—Davis was known as a "bad man" and a "rough customer" in the neighborhood—and he had been threatened with bodily harm by Davis if he tried to press his claim. When Waller arrived, Davis told him he wasn't "going to let him have a damned thing" and stuck his hand in his front pocket, where he usually carried a pistol. In fear of his life, Walter grabbed his own pistol and fired several times at Davis, who died several days later.

Fearing mob violence, Waller fled and was captured several days later in Columbus, Ohio, whence he was extradited August 6 to Virginia. The WDL, through its Chicago attorney, Francis Heisler, tried in vain to prevent the extradition. The case, called at a few days' notice, went to trial without adequate time for preparation; but Attorney Stone, thoroughly understanding the implications of the situation, laid a good basis for appeal to the Supreme Court.

"Despite threats of mob violence and lynching in the town of Chatham, the presiding judge refused to grant a change of venue," Clendenin pointed out. "Furthermore, trial was by a 'lily-white' jury consisting of ten landlords, a carpenter and a business man, poor white farmers and Negroes being as effectively barred from serving on juries as they are from voting. Finally, although the medical examiner testified that Davis had died from collapse of the left lung — which had not been injured — after a successful operation for his gunshot wounds, the judge refused so to instruct the jury, though this would have automatically ruled out a first degree murder charge."

IMMEDIATE ACTION IS IMPERATIVE TO SAVE THE LIFE OF THIS NEGRO SHARE-CROPPER. RUSH FUNDS AT ONCE TO THE WDL.

WDL Submits Report on Unfinished Business

WDL Asks Reargument in Chirillo Case

FOLLOWING the refusal of the New York Court of Appeals to hear a reargument of the Chirillo case, Morris Shapiro, national counsel for the WDL, appeared recently before the County Judge Frank Coyne to submit a motion for reargument of this important case in the White Plains County Court. The WDL is seeking, on the ground that Rosario Chirillo is neither an alien nor a non-resident of New York state, to get Judge Coyne to

Continued on Page Four

WDL N.E.B. Meets in Phila. Nov. 16-17

THE NATIONAL EXECUTIVE BOARD of the Workers Defense League will hold its semi-annual meeting in Philadelphia Saturday and Sunday, Nov. 16 and 17. Matters of national importance will be discussed. Sessions will start at 2 p.m. Saturday in the board room of the new building of the Upholsterers' International Union (AFL). 2812 North Broad Street, Philadelphia, and will conclude Sunday at 6.

WALLER PROVISIONAL DEFENSE COMMITTEE
1904 Division St.
Chicago, Illinois Press Release #2

Odell Waller, negro sharecropper, who shot his white landlord, Oscar Davis, during a quarrel over Davis's withholding of Waller's share of the crops, was convicted of first degree murder on Sept. 27 at Chatham, Virginia, and was sentenced to die in the electric chair on December 27.

The Waller Defense Committees, now existing in a number of states, is appealing the case to higher courts. Attorneys Thomas H. Stone of Richmond, Virginia, Byron Hopkins of the same city, and Richard Tompkins of Washington, D.C. are handling the case. The case From the beginning to the end was carried on in the traditional frame-up method employed in the Scottsboro and many other cases. The jury was selected only from the rolls of those who pay the poll tax. This excluded most of the share croppers, who, like Waller, receive no more than $60.00 a year in cash and must spend more than that on fertilizer, equipment, etc. The trial took place in a lynch atmosphere: even the sherrif admitted being notified of lynch groups forming on the outside of the city.

Waller had rented land from Davis in January, 1939, subsequently, after Waller had performed a great deal of work on tobacco crop, Davis decided to plow the crop under and informed Waller to work on wheat or get out. After some dispute between Waller and Davis, Waller finally abandoned any immediate claim for the money due him on the tobacco and the money expended on the fertilizer and went to Maryland to work. While he was there, his mother and wife, both of whom had worked on the aforementioned property were evicted by Davis. Also about the same

time, one of Waller's dogs was wantonly and unnecessarily castrated by Davis. Also, when Waller returned from Maryland, he went over with another man and a truck to get the wheat which had been worked on by his wife, mother and himself. He went armed because he knew Davis' general temperament and he had also been threatened by Davis. When he came up, Davis told him he wasn't going to let him have a damn thing and rent his hand in his front pocket where he usually carried his pistol. In fear of his life, Waller shot Davis some three or four times, and Davis died from the wounds about two days later. Waller then fled, fearing mob violence and was captured a few days later in Columbus, Ohio, whence he was extradited on August 6th to Chatham, Virginia. Present at the scene of the shooting were: Annie Waller, Buck Fitzgerald, 13; Archie Waller, 50; Henry Davis.

Address all communications to: the Waller Defense Committees:

Richmond Committee:
Edmund Campion,
c/o Att'y Thos. H. Stone
1519 E. Main St.
Richmond, Virginia

Chicago Committee:
Allan Willis
1904 W. Division St.
Chicago, Illinois

STOP the ELECTROCUTION OF ODELL WALLER

Odell Waller is a young Virginia Negro who was born about 23 years ago near the village of Gretna, Virginia. He graduated from grade school and had three years of high school. He got married a couple of years ago. Being a Negro in the South meant that his fate was the same as most Negroes under the Jim-crow rule of the Southern white landlords.

In 1939 Odell Waller took his wife and his mother and two hound dogs and went share-cropping on the land of one Oscar Davis, a white Virginia landowner. He was working for Davis on half-shares of tobacco and quarter shares of corn and wheat. Here are Wallers own words about it: "Last year I got only about sixty dollars from Davis and had to spend more than that to get the crop out. Whats more he (Davis" had my mother doing "Nigger" work and hardly paid her anything. This year I was working for Davis for just about nothing. He plowed under the crops after I had worked on them and paid for planting them and I didn't get a cent for the money or work I had put into the crop."

The New Deal government had paid the white landlord money to plow under part of the crops. Waller got none of this money and since the boss was being paid for NOT RAISING CROPS there was no need for Waller to stay on the land. So he went to a nearby state and got a job. He had a garden patch of his own and had an interest in some of the wheat which wasn't plowed under. He left his wife, his mother and his dogs in the shack on the Davis land until he had made some money on his new job and until the harvest of the remainder of his crops.

While Waller was away working the white landlord, Davis, evicted Wallers wife and mother from the shack, harvested and confiscated the balance of the crops and castrated Wallers dogs.

Waller heard about this injustice and came home to take care of his family as best he could and to recover his share of the crops and garden truck. Waller went to Davis's house to talk the matter over with his landlord and, knowing he was in the South and a Negro he took a gun with him.

The white Landlord started the usual abuse and threats against Waller and ordered him off the prperty and, according to witnesses, threatened Waller with bodily harm. Witnesses also testify that Davis reached into his pocket at that time and Waller, thinking the white man was reaching for a gun, shot Davis who later died.

For this so-called "crime" of defending himself from the attack of a Southern white landlord a jury of 12 southern landlords has sentenced Waller to die in the electric chair on December 27th.

The Revolutionary Workers League became interested in this case and has aided in the establishment of a Richmond Virginia Defense Committee which defended Waller in Court and is now trying to appeal the case. WE ASK YOUR SUPPORT TO THIS FIGHT. HELP BREAK THIS BRAND OF WHITE JIM-CROW SOUTHERN JUSTICE. Come and see us about it at Room #6 - 2071 East 30th St.

PROVISIONAL WALLER DEFENSE COMMITTEE

To All Labor and Fraternal Organizations:

Dear Brothers;

As you well know, the present period is one of serious danger to the rights of all workers throughout the world. In most of Europe the right to organize has been forbidden, the workers ground down into the depths of misery. We know you want to do all in your power to prevent the same thing from happening here. Hence we direct this appeal to you.

In the heart of the tobacco country, in south-western Virginia, a Negro, Odell Waller, has been sentenced to die on December 27. Waller is a sharecropper, 23 years old, who has been the sole support of an aged mother and a wife. His 'crime' was resistance to the robbery practiced by his landlord. Waller paid all the expenses of planting and cultivating a crop which his landlord, Oscar Davis, plowed under in order to receive AAA checks. But Davis gave none of this money to Waller. He abused Waller violently, and Waller, in order to live, left for Maryland to obtain work for several months. Then hearing that his other crops were in, he returned to collect the money due him from Davis.

Waller is accused of having killed his landlord in an argument over the eviction of his family, and the robbery of his crops by the landlord. Davis died in the Lynchburg Hospital two days after the shot, not as a direct result of the bullet wounds but as a result of the operation to remove the bullet.

Meanwhile, Waller had fled to Columbus, Ohio, pursued by armed mobs. He was extradited to Chatham, Virginia, county seat of Pittsylvania County, where the shooting took place. After an indictment for first degree murder on September 16, the judge, Clement, set trial for the 19th, giving Waller three days to prepare a defense As a result of protest telegrams from all over the country, Judge Clement finally continued the case one week.

The trial brought many things to light. No share-croppers were on the jury list, because a man has to pay his poll tax to be eligible for jury service. All of the jurors were themselves employers of share-croppers. The Sherriff admitted that there had been threats of a lynching. An investigator for the defense, Edmund Campion, testified that townsmen had advocated lynching the attorneys for t he defense. Nevertheless, the judge ruled that there was no bias in the county, and allowed the trial to proceed.

Waller was of course found guilty. He was a Negro and a sharecropper. The man he shot was white and a landlord. What other verdict could have been expected?

PROVISIONAL WALLER DEFENSE COMMITTEE

Brothers, there is only one place in the entire commonwealth of Virginia where a Negro is not segregated from a white man. That place is the electric chair. We are resolved that Waller shall NOT DIE. To day, throughout the country, there is talk of the need to defend democracy. The Negro has never enjoyed those elementary democratic rights we are so proud of having gained in years of struggle. We appeal to you to join in the fight to save Odell Waller, to maintain our democratic rights against those who threaten them.

This case needs the help of the entire Labor Movement, regardless of race, creed, color or organization. If the workers do not unite to stamp out this rank discrimination, the whole Labor movement will inevitably suffer bitter blows.

At the request of the Richmond committee to defend Waller, a Provisional Committee is working in Chicago to build a strong, nonpartisan committee locally. We strongly urge you to send delegates, (or observers, if your committee can not meet in time), to a United Front Conference to form a Committee to Defend Odell Waller. The Conference is called for Sunday, October 20th, at 2 .00 P.M., at 5125 S. State Street, 3rd floor.

Don't delay! Help free Odell Waller! Attend the Conference!

Fraternally,
Allan Willis, secretary,
Provisional Waller Defense Committee
1904 W. Division Street, Chicago.

For more information write to above or to the attorneys for the defense, both at Richmond, Va. J. Byron Hopkins, or Thomas H. Stone, Esq., 1519 E. Main Street, Richmond, Virginia.

RICHMOND, (VA.) WALLER DEFENSE COMMITTEE - (PROVISIONAL)
1103 E. Main Room #429
Richmond, Virginia.

Thomas H. Stone - Defense Attnys.
J. Byron Hopkins

Edmund Campion - Chair.

Richmond, Virginia.
December 1, 1940.

To:
All Labor, Fraternal, Negro and Liberal Organizations;
All Supporting and Sympathetic Individuals and Groups;

Greetings:

In keeping with the policy of your Richmond Waller Defense Committee - (provisional) this letter is sent to inform all interested parties of the latest developments in the defense of Odell Waller, Negro share-cropper, who has been sentenced to death in the Virginia electric chair on December 27th for shooting, in self defense, his white landlord during a dispute over a fair and equitable division of the crops worked on by Waller. (In case you, your group or organization, is not informed, the enclosed synopsis of the case will enlighten you in the matter and additional information is yours for the asking from your above committee.)

We are glad to report that, after long and dangerous delay, the Workers Defense League and the National Association for the Advancement of Colored People have come into the fight to free Waller. This welcome and necessary strengthening of the fight is, of course, in addition to the various Local Provisional Defense Committees in such cities as Chicago, Cleveland, Philadelphia, New York, Etc., and in addition to support of the Revolutionary Workers League, USA., which discovered the Waller Case and for several months alone, carried the burden of developing and publicizing the case and building the Local Provisional Defense Committees, providing the legal defense and working to interest and involve such organizations as the Workers Defense League, the NAACP and others.

Another important informational item is that senior defense counsel, Attorney Thomas H. Stone of Richmond, who holds Waller's power of attorney for himself, his associates and the Richmond defense committee, has signed a circular letter sent out by the national office of the Workers Defense League calling for defense funds and support for the Waller case. In order to check certain inimical rumors, that are afloat concerning Mr. Stone's action the Richmond Waller Defense Committee (provisional) states that whenever any organization, group, or individual which, in the opinion of the Richmond Waller Defense Committee (provisional), will add to, and strengthen, the support of this case, and requests it, any member of the legal staff of the Defense Committee or any other member of the Committee may lend his name to the public material on the Waller case issued by any such approved organization, group, or individual. However, the exercize of this right by any member, or members, of the Richmond Waller Defense Committee (provisional) does not carry with it the right or power of transfering full power of attorney or total jurisdiction or other total right, nor does it confer the exclusive use of the name or names of such members of the Defense Committee to

any organization, group or individual, nor does it relieve the Richmond Defense Committee of its duty and right of priority in the defense of Mr. Waller.

If it has not already been accomplished we sincerely urge, and eagerly await notification of, action bringing you, your group or organization into the fight to free Mr. Odell Waller from the clutches of the vicious and criminal machinery of "Southern Jim-Crow Justice" and, in the process, to expose and destroy the intolerable system of discrimination, share-cropping, tenant farming, disenfranchisement and Jim-Crowism which lies at the root of, and controls, this "justice."

Let us again remind you that a Waller Defense victory is not possible through the efforts of the Richmond Committee alone. The support of your organization or group, or of yourself, and of all others who can be made interested in the case is essential to success. Financial support direct to the Richmond Committee, or through the designated center of the supporting organization of your own choice, is an immediate necessity. Please remember that Waller is to die December 27th unless the costs of an appeal to the higher courts are immediately raised. Remember also that if the State Supreme Court of Virginia should uphold the lower court it is the intention of the Defense Committee to appeal to the United States Supreme Court. Should this latter course be made necessary, and we think it likely, then additional funds will be needed. Your efforts in the matter may decide the issue.

Let us also remind you that financial support plus the efforts of the Richmond Committee together are not enough to save Waller and to defeat the social and economic, as well as political, injustices that have victimized Mr. Waller and hundreds of others before him and which will victimize other thousands unless we wipe out the base of these injustices. The widest possible publicity of the case must be achieved throughout the nation. You or your organization can contribute more than financial aid by working on such publicity in your territory. A wider interest and broader support can be won by you or your organization approaching and involving all possible organizations and persons in the case.

We must again warn against anarchy in the defense of Odell Waller. We need hardly remind you that the job is far too large for any one organization to handle with success or that the greater the degree of co-ordination of the national effort to free this man the greater the likelihood of victory.

In order to guard against the development of anarchy in the defense of Mr. Waller the Richmond Defense Committee has worked out and temporarily established two methods in the organization of the defense. One method is the establishment of the Richmond Defense Committee on the provisional basis until a broad and representative National Conference of all interested organizations and groups can be held to establish the Permanent Defense Committee. The Provisional Committee, of course, to be open to broadening until the conference by the addition of delegated representation from all supporting groups and organizations. The second method within the provisional defense structure is the establishment of local Provisional Waller Defense Committees. These local committees to be set up, where they do not already exist, through the initiative of yourself or your

organization or group and to include, if possible, all supporting organizations, Etc., in the immediate locality. These local committees to work jointly in their localities on publicity, securing additional support and the raising of funds. Nationaly these local committees to work either through the Richmond Committee directly or indirectly through national centers of national organizations of their own choosing. However, under the present urgent circumstance, support directly through Richmond is highly preferable.

In spite of the great need for co-ordination of our efforts, the need for the broadest possible defense is so great and immediate that the Richmond Committee does not exclude the independent action of such groups and organizations which may not be able or care to work jointly with others in the localities, but the Richmond Committee will continue to work for the co-ordination of all effort to free Mr. Waller into one mighty effective force of liberation of those peoples within the scope of our purposes.

We hope to hear from you or your organization at an early date. We earnestly solicit and welcome inquiries and suggestions on the matters raised in this letter and enclosed synopsis. We are at your service in a great and significant struggle. A life is at stake; inequality and injustice are on the offensive; exploitation and oppression may win if you delay.

Fraternally, Edmund Campion

Edmund Campion, Chairman,
Richmond (Va.) Waller Defense Com.
(provisional)

Richmond, Virginia.

EC:ps

Edmund Campion - Sect'y -Paula Subienne - Treas.

PRESS RELEASE.

The Richmond Waller Defense Committee is happy to announce that its work and that of its supporting groups throughout the country - including the legal defense supplied by the Workers Defense League and the National Association for the Advancement of Colored People - has at last won the first battle in the fight to vindicate and free Odell Waller, Virginia Negro share-cropper who was found guilty of killing his white landlord during a dispute over a fair division of the Wa ller worked crops, and who was sentenced by Judge Clement Turner at Chatham, Virginia on September last, to die in the electric chair on the 27th of this December.

Thomas H.Stone,Esq., of Richmond,Senior Counsel for the Waller defense,has just notified us that a reprieve has been granted Waller until the 14th of March,1941.

It is counsels opinion that our appeal of the case to the Virginia Court of Appeals will result in a new trial for Waller and we are now preparing a plea for a writ of error and have instructed counsel to take this appeal up immediately. Should, however, the higher courts uphold the lower courts we are prepared to take the case,on appeal, up to the United States Supreme Court.

It is the contention that Waller, being a Negro in the Jim-crow South and arguing with a white landowner who reached for his "gun pocket" during the dispute, was jus tified in shooting Oscar D,vis, white landlord, in his, Wallers, own defense. It is further our contention that article 12 of the Virginia State Constitution is in opposition to Article 14 of the Federal Constitution in that it denies the right of any poor Negro or white share-cropper or other worker a trial by a jury of his peers.

Section 12 of the Virginia State Constitution deals with the poll tax and operates to prevent about fifty per cent. of the potential voters of the state from excercising ther franchise but also operates so that only those who have paid the poll tax are drawn for jury service ice. Since the Negro and white share croppers and tenant farmers of the South,as well as many other workers, do not see any cash from one years end to the other they obviously cannot pay the poll tax and thus do not vote and do not serve on juries.

Article 14 of the Federal Constitution guarantees every person the right of a trial by a jury of his peers (equals) but the poll-tax laws operate to deny poor workers that constitutional right.

The jury which convicted Waller was composed of ten white landowne ers who themselves employ tenants a nd croppers,and two white business men. It is,therefore,the position of the Waller Defense Committee and its legal staff that Waller was tried by a jury of his "superiors" - not of his peers.

We intend to make a test case of this matter and thus to wipe out the institution of the poll tax with all its attendant evils. We have sent out letters of thanks to all our supporters who have made this first victorypossible and we are calling upon them to be prepared for the hard r fight that lies ahead to win the complete vindication and freedom of this 23 year old Negro boy,Waller, and by doing so, to strike a blow at the social eveils of the poll tax and Jim-Crowism.

RICHMOND WALLER DEFENSE COMM.
Room No. 429 1103 E. Main St.
Richmond, Va.

Edmund Campion

WALLER MUST NOT DIE

SOUTHERN LIBERALS CONDEMN ODELL WALLER TO THE CHAIR

The following two documents, an editorial appearing in the Richmond Times-Dispatch of Feb.16th, a leading southern "liberal' paper, and the answer to this piece of yellow journalism by the Richmond Waller Defense Committee (Provisional) speak clearly for themselves as to the danger of depending upon so called "liberal" elements to defend Odell Waller, Negro sharecropper condemned last fall by a jury of white landlords.

The author of the editorial, one Virginius Dabney, deliberately confused the issue by referring to the Waller Defense Committees as " a thing called the American Revolutionary Workers Defense League of Chicago." (This is the old red herring) and that the Waller case is now in more conservative hands; meaning the Workers Defense League. The editorial not too subtly condemned Waller to the chair.

Mr Dabney is one of those Richmond "liberals" that Miss Pauli Murray, field organizer for the Workers Defense League, saw fit to work with, instead of devoting any time or energy to building a branch of the W D L or co-operating with the already functioning

Waller Defense Committees in Richmond and other cities. Liberals like Dabney, verbally oppose the poll tax, but in no way, verbally or otherwise, are they opposed to the system of sharecropping.

The "New Deal liberals" of Richmond are preparing a sellout of Odell Waller, and the W D L is being an active helpmate. All sincere workers who are aiding the defense of Odell Waller should be seriously alarmed by these developments, and should act at once to see that the fight against the Richmond Waller Defense Committee (Provisional) and its local Committees and supporting organizations, is at once stopped. The Waller Defense Committees welcomes all co-operation and united front action to save the life of Odell Waller.

Join the Waller Defense Committee in your city.
Raise the Waller case in your union or club.

signed Allan Willis, secretary-treasurer
Chicago Waller Defense Committee
5125 So State St., Chicago

AN EDITORIAL BY
Mr. Virginius Dabney
Appearing in the Richmond (Va.) TIMES-DISPATCH, Sunday, Feb. 16, '41

POLL TAXES and WALLER

Is there any relationship between the poll tax and the composition of the petit jury which condemned ODELL WALLER, the Pittsylvania sharecropper, to the electric chair for the murder of OSCAR DAVIS, the tenant on whose land he worked? The Pittsylvania authorities say not. Yet JOHN F. FINERTY, counsel for WALLER, declares that every member of the jury had paid his poll tax. Is that a coincidence?

The county authorities say that the jury list is compiled at the first of each year by three jury commissioners, appointed by the court, and that the names are not taken exclusively from the voting list, but that persons whose names are not on that list are also chosen. Since only persons who have paid their poll taxes are said to have been on the jury which found WALLER guilty of first-degree murder, the question arises whether the commissioners did not consciously, or unconsciously, lean toward the choice of the relatively well-to-do in this case involving economic and social conflict.

MR. FINERTY also questions the testimony of those who said DAVIS was unarmed at the time he was killed, although that testimony was uncontradicted. His theory is that the witnesses who said DAVIS was unarmed "obviously were not impartial," and that the real point is that WALLER had "reasonable grounds" for believing DAVIS was armed. MR. FINERTY also says that whereas it is true that DAVIS had two wounds in his back, he also had wounds in the right side of the head, and in the arm. His theory is that DAVIS was whirled around by the shock of the first bullets striking him in the arm and head, and then was shot in the back, or that he was shot there when he turned and attempted to escape.

Shooting an escaping man in the back is a dubious procedure, to put it mildly. And since the defense claimed at the trial that DAVIS didn't die of the wounds, but of a "collapsed lung," it seems just as reasonable to say that he was shot in the back, and that he then whirled around to face his assailant, whereupon bullets hit him in the head and arm. It is also a fact that nobody has produced any evidence that DAVIS was armed, which seems to us more convincing than the theory that persons who said he was unarmed may have been lying.

The case is being taken up to the Virginia Supreme Court of Appeals, and WALLER may get a new trial from that body. In order that all possible criticism may be obviated, and Virginia justice vindicated before the country in this widely publicized case, many would like to see another trial. When WALLER got the chair at Chatham, he was represented by something called the American Revolutionary Workers Defense League of Chicago. That alone was almost enough to ruin his chances of getting an objective hearing. This group of

(Cont'd:) Editorial, Richmond TIMES-DISPATCH, Feb. 16, 1941)

ultraradical professional agitators is no longer handling the WALLER defense, and the current approach is much more conservative. Another trial would be conducted in a different atmosphere.

Even so, the apparent relationship of the poll tax to jury service apparently would remain an issue in the State, an issue which will have to be settled properly, if Virginia justice is to maintain its reputation for fairness and impartiality.

(Copy of letter sent in reply to above editorial, by the Chairman, Richmond Waller Defense Committee (Provisional).)

February 18, 1941

To:
Richmond Times-Dispatch
Mr. Virginius Dabney, Editor
110 North Fourth Street
Richmond, Virginia

Dear Mr. Dabney:

This memorandum concerns an editorial entitled POLL TAXES AND WALLER which appeared on the editorial page of the Richmond TIMES-DISPATCH for Sunday, February 16, 1941.

We respectfully call your attention to certain false, inaccurate and misleading statements, purporting to be fact, appearing in the above mentioned editorial as follows:

Par. 5 - Sentence 5 - "This group of ultraradical professional agitators is no longer handling the WALLER defense, and the current approach is much more conservative."

Par. 5 - Sentence 3 - "When WALLER got the chair at Chatham, he was represented by something called the American Revolutionary Workers Defense League of Chicago."

Par. 1 - Sentence 8 - "Yet JOHN F. FINERTY, counsel for WALLER, declares that every member of the jury had paid his poll tax."

All three of the above cited sentences from the editorial above referred to are each of them factually untrue and, such being the case, the Richmond Waller Defense Committee requires an immediate

Answer to Mr Dabney - Richmond Times-Dispatch -continued

retraction of all of the above statements in space in the TIMES-DISPATCH, and the statement of the actual facts in the required retraction as a means to eradicate the false and misleading impressions created by the untrue statements appearing in the editorial in question as above referred to. We further require, in all justness and fairness, that such retraction be given as prominent and important position in the make-up of the issue of the TIMES-DISPATCH carrying the retraction required as was given to the editorial in question in the issue of February 16th, 1941.

On the first point cited: "This group of ultraradical ---." The real facts are as follows: No such organization as the American Revolutionary Workers Defense League of Chicago has ever, at any time handled the Waller case in any manner whatsoever, and further, no such organization exists or has existed in recent years. The Revolutionary Workers League, U.S.A., (a revolutionary Marxian political organization) discovered the Waller case during the last week of July, 1940, and took steps leading to a conference of National scope, which conference resulted in the establishment of a National structure then, and now, known as the Richmond Waller Defense Committee.(Provisional). The Revolutionary Workers League is, and was, from the beginning, one of the most prominent organizations federated in the Richmond Waller Defnse Committees(Provisional).

It was the Richmond Waller Defense Committee,(Provisional), together with its National affiliated committees, groups and individuals which handled the Waller case from its inception up to and thru out Odell Waller's trial. This fact can be established from the testimony of Mr Edmund Campion as setforth on pages 9 and 13 in the certified record of the Odell Waller trial. As far as a new trial being "much more conservative" we assure you that any new trial will be conducted along the identical lines established at the last trial. There will be no leaning to conservatism or compromise in any new trial. This is guaranteed by the fact that Attorney Thomas H. Stone is Senior Counsel in the Odell Waller case and his ultimate decisions are final when they concern the case in question. The enclosed letters of Mr Stone to the press and public add to the National Administrative Committee of the Workers Defense League and to ourselves confirm the fact that his decisions in the Waller Case are made after consultation with our committee as well as with other organizations in the case.

On the second point cited: "when Waller got the chair....". This point is answered adequately in the facts concerning point one.

On the third and final point cited: "Yet John F. Finerty, counsel for Waller ----." Mr John F. Finerty is not the counsel for Waller but is one of the associate counsel for Waller, and holds such position by virtue of requests and agreement of Thomas H. Stone. Such requests and agreement of and with Mr. Stone were originally made to Mr Finerty and the Workers Defense League, which organization Mr. Finerty represents, at the special request to Mr. Stone by our organization. Mr Finerty did not, does not and could not enter the le-

Answer to p.

gal defense staff of Odell Waller in any other way.

While we heartily disagree with the ideas and opinions expressed generally thruout your editorial on Waller, and thoroly understand the liberal motives and objectives which impell them, we nevertheless fully respect your right to express your opinions and, of course, reserve to ourselves the right to express our own.

You well know, Mr. Dabney, that there is a vast difference between the publishing of opinions and the publishing of untrue, false and misleading statements. This letter is not written to protest your publishing of editorial opinion on WALLER or the POLL TAX QUESTION. We will answer your opinions, and express our own, on the above questions through our own channels and in our own way. This letter is written to protest your publishing of untruths and of false and misleading statements, and to require of you a retraction as requested above, as the correct and only means of properly and satisfactorily rectifying your error.

We consider this matter urgent and await an early and satisfactory response from you and the TIMES-DISPATCH.

Yours truly,

signed - C.B.COWAN * Chairmen

signed - Paula Sublenne - secty.-Treas.

copies to Attorneys
file- C- 23F.

FOR THE WIDEST POSSIBLE UNITY OF ACTION IN THE CAMPAIGN

FOR THE DEFENSE OF ODELL WALLER

Tonight you have heard Mother Waller tell the story of her son and the campaign to save him. But there are other facts about the case of Waller that have not been called to your attention.

Our organization, the WALLER DEFENSE COMMITTEE (Chicago section) FIRST came to the defense of Odell, FIRST hired attorneys to defend him, FIRST publicized the case and attempted to get united action for the defense of Waller and the struggle against Jim Crow discrimination, share-cropping oppression and the other issues involved in Waller's case, and the plight of millions of other Southern workers.

From the beginning, we pointed out that these tasks were too big a job for any one organization alone. That is why we wanted the broadest possible unity, and appealed to other organizations to join in the defense. Most of these did not even answer our letter. Finally, AFTER we had defended Waller in his first trial, after such long and dangerous delay, the Workers Defense League entered the case. Then the National Association for the Advancement of Colored People and the Brotherhood of Sleeping Car Porters also offered their co-operation, making four organizations involved in the case.

We welcomed this support, even though it came at a late date; we are glad to have these organizations participate in the defense of Odell, and we want co-operation with them. In line with this policy of co-operation, we specifically asked the W.D.L. for a joint meeting for Mother Waller, and for further co-operative action in the campaign to win support for Odell's freedom here in Chicago. We pointed out to the W.D.L. that in the same sense that they were co-operating with the NAACP and the Brotherhood, so should there also exist co-operation between our respective organizations.

But the Workers Defense League has categorically REJECTED such co-operation with our organization!

Such a rejection can only hinder the campaign for Waller, can only serve to confuse people who want to aid in the defense, and who could be involved in the defense. For there ARE 4 organizations now involved in the case, and we feel that all of them should work collectively, and NOT each try to exclude the other as the policy of the W.D.L. seems to indicate it wants to do. That is why we feel the W.D.L. policy to be detrimental and harmful to the defense of Odell, and we hope they may soon reject such a sectarian policy and work in a co-operative manner.

In any case, we shall continue, as we have from the start, to mobilize support, finances and legal aid for the defense of Waller in order that he shall be completely freed and the struggle against Jim Crow discrimination and 'cropper exploitation thus further advanced.

DEFEND WALLER AND FREE HIM! STRIKE A BLOW AT OLD JIM CROW!

Chicago Waller Defense Committee, 5125 S. State St.

Odell Walker Plea Is Made In Milwaukee
The Chicago Defender (National edition) (1921-1967); May 17, 1941;
ProQuest Historical Newspapers The Chicago Defender (1910 - 1975)
pg. 5

Odell Walker Plea Is Made In Milwaukee

MILWAUKEE, Wis.—Under the joint sponsorship of the National Association for the Advancement of Colored People and the Workers' Defense League, Mrs. Annie Waller and her colleague, Miss Pauli Murray, spoke before a large audience at St. Matthew C.M.E. church Monday on behalf of Odell Waller whose case is on appeal before the courts of Virginia where he is charged with murder.

Mrs. Waller, mother of the accused youth, made a dramatic talk in which she detailed the facts and circumstances of the shooting on the part of her son, who is charged with killing his landlord.

The cause of his conviction, according to Miss Murray, was the selection of a landlord jury which was the only alternate because the Virginia poll tax law bars, in effect, many persons of small means.

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HEAR
MOLLIE WALLER
WIFE OF ODELL WALLER
SPEAK

SATURDAY MARCH 29th 8 p.m.

5125 South State St.

—o—

MONDAY MARCH 31st 8 p.m.

3201 S. Wabash Ave.

SOUTH SIDE SETTLEMENT HOUSE

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WEDNESDAY APRIL 2nd 8p.m.

708 N. Clark st.

SOCIAL SCIENCE FORUM

Admission Free

CHICAGO WALLER DEFENSE COMMITTEE
5125 South State Street
Chicago, Illinois

Mass Meeting

The U.S. Supreme Court refuses to review the case of Odell Waller, young Negro sharecropper, convicted in the self-defense shooting of his white landlord who refused him his share of the crops.

Odell Waller was tried by an all-white poll-tax jury. This jury found him guilty although evidence showed that it wasn't the bullet which killed his landlord. Obviously Waller has been found guilty of daring to fight against the vicious sharecropping and poll tax system in the South.

Only mass protest will save Waller's life and deal a heavy blow against the Jim-Crow, Anti-Labor policy of the Bourbon South. Already thousands of workers have added their voices to the demand for Waller's unconditional freedom, including the Chicago Federation of Labor, and the Chicago Industrial Union Council, CIO.

PROTEST MEETING

WASHINGTON PARK
52nd St. & So. Parkway
Sunday, June 14, at 4 P.M.

Auspices: Chicago Committee for
A Labor Defense Congress
Washington Park Forum

(Labor Donated)

Come and Bring Your Friends to the

S A V E O D E L L W A L L E R P A R T Y

Saturday, June 13th, 8 P.M. at 5125 South State St.

Entertainment Dancing Refreshments

Admission - 10¢

Auspices - COMMITTEE FOR A LABOR DEFENSE CONGRESS

"ALL FOR MR. DAVIS"

THE STORY OF SHARECROPPER ODELL WALLER

By PAULI MURRAY and MURRAY KEMPTON

with a Preface by Frank P. Graham, President
of the University of North Carolina

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WORKERS DEFENSE LEAGUE
NATIONAL HEADQUARTERS
112 EAST 19th STREET, N. Y. C.

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Workers Defense League Office

Dear Reader:

Sharecropper Odell Waller never noticed the poll tax much. He didn't pay it, nor vote. He did not know that this tax was literally a life and death matter for him. For all the poorer citizens of Virginia the tax comes very close to being a life and death matter. Their chance to make a livelihood is governed by the laws passed by legislators and Congressmen whom they will help to elect when the poll tax is abolished. These citizens may then achieve a partnership status that lives up to the ideals that Americans are now fighting for. At present eight Southern states forbid voting without paying a poll tax:

ALABAMA: $1.50, cumulative from age 21, ending at age 45. Is in state constitution.

ARKANSAS: $1.00, whole life. If you haven't paid you can't get any license or receive any money from the state.

GEORGIA: $1.00, cumulative, ending at age 60. Due Jan. 1. Abuse of tax by politicians is limited only by general rules against vote-buying.

MISSISSIPPI: $2.00, ending at age 60. Voter must show receipts for 2 years. Due Feb. 1. Counties may levy $1.00 additional. Is in state constitution.

SOUTH CAROLINA: $1.00, ending at age 60. Does not apply to women. No penalty on politician paying for voter. Is in state constitution.

TENNESSEE: $1.00, ending at age 50. Counties may levy $1.00 additional; many have repealed it, recently.

TEXAS: $1.75 in cities, $1.50 elsewhere, ending at age 60. Due Feb. 1. Politicians' purchase of blank receipts forbidden in 1939.

VIRGINIA: $1.50, whole life. Voter must have paid for 3 years. Due 6 months before election. Is in state constitution.

In "cumulative" states you have to pay your back tax back to age 21 before you can vote. The amount is usually prohibitive, and even $1 is too much for too many. If you can afford to pay it, you may fail to pay because it is due, in some states, many months before election.

There is a marked contrast between the proportion of adults voting in the poll-tax states and in other states.

States	All 48	8 Poll-Tax	The Other 40
Population, 1940, about	131,700,000	24,000,000	107,700,000
Adults, 21 or over, about	83,850,000	15,400,000	68,900,000
Voted for President, 1940	49,815,000	2,992,000	46,823,000
Percent of Adults voting	59 percent	19.5 percent	68 percent

In Southern states, more people vote in primaries than vote for President, but the proportion is still very low. In 1936, when 64 percent of all American adults (and 20 percent of Alabama adults) voted for President, only 37 percent voted in the primaries—37 percent of adult whites, forgetting all about Negro citizens in this calculation.

Yours for universal suffrage,

CARL RAUSHENBUSH, Chairman.

"ALL FOR MR. DAVIS"

THE STORY OF SHARECROPPER ODELL WALLER

by Pauli Murray and Murray Kempton

PREFACE

Miss Pauli Murray's pamphlet is both basic and timely. It reveals and stirs intelligent interest in Negroes, white and Negro sharecroppers, the tenancy system, dispossessed human beings, and emergent democratic hopes. In this hour, desperate for freedom and democracy in the world, we in America must, with humility, be informed with regard to our own defects and frustrations and, with hope, be determined to improve our own American way of life. With Hitlerism dominant in Europe and with a threatened resurgence of Ku Kluxism, anti-Semitism, and demagogism in America, we should be sensitive and alert to the conditions, rights, and welfare of religious, political, and racial minorities and the disinherited and disfranchised millions who are a present test of freedom and a source of our democracy. This packed pamphlet, with its information, analysis, and democratic sympathy, is in the front line struggle for democracy in America.

FRANK P. GRAHAM

"Gretna, Virginia," writes Jonathan Daniels, "is an inconsiderable community on that U. S. Route 29 which runs through the heart of the country of textile mills from Virginia through the Carolinas to Georgia. North of it is the little town of Alta Vista, which makes rayons and cedar chests. Not far below it is Chatham where well-to-do girls, many of them from the North, learn the lessons and ride the horses of the Episcopal Church's excellent and fashionable Chatham Hall. Little Virginia boys march there in the uniform of the Hargrave Military Academy. In the same section lived long ago Colonel Charles Lynch, who according to Virginia tradition, gave his name to Lynch law."

It certainly isn't the kind of country Erskine Caldwell would pick to write a book about. The sky is too smooth; the little shoots on the tobacco hills look too green in the sunshine and the people are too sure in their manners and too rich in their laughter.

Yet, as you ride the bus from Danville, you're likely to hear hot painful words through the darkness,

"An' then Ah went in the white section to get a drink an' this big white man says so meanlike, 'Git back on your own side, sister,' an' it was dirty an' they had a little ole hole to pass the water through."

Or, "Looks like there's nothing a colored man can do down here to git justice. I've never run into no trouble myself but I've had to take plenty to keep out. I reckon I'll jes' go on takin' it."

Or they turn to you in their cars and say,

"Lissen, mister, I've lived in this county thirty-eight years an' if you find an honorable darky, there aint nobody better, but when you get a mean one, there's nothing else to do but shoot him."

They're not very bitter about these things down here. It's been a long time since anybody got lynched, but color is not the only bar to a full enjoyment of Pittsylvania County's blessings. This is no country of rich men. Tobacco is the chief cash crop, and what with federal crop curtailment and the winter blight, there isn't the money there used to be here.

"Sure it's a pretty country," they will tell you, "but it's been hit hard."

Almost everyone around Chatham lives off the land, with debt always stalking at his back. Most people work on shares, and even the landlord is likely to be himself a tenant or a mortgage-ridden farm owner.

December 8th, 1940, the Pittsylvania County New Citizens League held a big meeting for 700 first voters and recent high school graduates. The president of Washington and Lee University was down to sing the glories of the American system of equality and justice. He was too tactful to take public notice of the fact that there were no Negroes in his audience.

There are 61,000 people in the county. Of these, 36,000 are white and 25,000 colored. The last time anyone counted, there were only 6,000 white people and 200 Negroes eligible to vote.

It costs a man $1.50 a year to vote in Virginia. And unless the court records show the poll tax to be paid up at least three years back, you can't elect your judges, and you have little or no chance of sitting on juries.

A Negro sharecropper around Gretna estimated, "No more'n 'bout 20 of our folks got the vote here. You got to be a man of property to vote in this county. They tell me I got to pay the head tax and then fines 'fore I can use my ballot. I aint never had that kind o' money."

On Saturday nights the Chatham streets are filled with brown farmers from the hills. The boys outside the Main Street diner are a delight in themselves; no one could flash a wider smile or a richer laugh. Here they forget the long slow days in the tobacco fields; no thin-lipped deputies, no Jim Crow laws to irritate; no forced sales or road-gangs—just a race of happy people on a well-earned holiday.

As likely as not, there is not even a word of their neighbor, Odell Waller, who is scheduled to die in a Richmond electric chair, nor of Oscar Davis, the landlord he killed in self-defense. Yet the story of Odell Waller and Oscar Davis is as native to Pittsylvania County as the green tobacco leaves and the Georgian front of Chatham Hall and the soft laughter by the Main Street diner on a clear Saturday night.

Odell had his brief thrust of fame, to be sure. But after they brought him into Chatham, dragging him by the belt as if it were a dog-collar; after the witnesses and the Commonwealth's attorney had spoken their pieces, he was found guilty of first degree murder and sent up to Richmond to die. People got worked up for a while over how Waller shot and the angle his bullets took; one or two white men said, "That nigger ought to be lynched," but no one cared very much about hearing the story of the life which he and Oscar Davis had lived before their final quarrel. Perhaps this was because it wasn't a very exciting story and was all too common in Pittsylvania County.

But if you ask them, they'll tell you about Odell Waller. White men will tell you that his parents, Willis and Annie Waller, had farmed their own land around here for years, and were "as honorable Nigrahs as you could want." They've heard tell, of course, the boy turned out mean, but they'd never heard anything against him before this.

The colored people will tell you that Odell was a good boy, who worked hard and was more cool and level-headed than the

general run of young folks. He had need of these qualities. Even though his father owned his own farm and a half-interest in a wheat binder, meeting the mortgage payments and the taxes was never an easy job; by the time Odell was 20, it had become pretty near impossible.

Stocky little Odell will tell you, as he grips the bars of his cell in the Richmond death-house, pressing his face forward with the intensity of a man whose hours are numbered, "My father was a po' man what believed in hard work. He made everybody aroun' him work. I didn't have no school at all to atten' when I was small. Later, for three years I walked ten miles a day to school."

Willis and Annie Waller were heart-broken when Odell had to stop school and go to work in the fields at sixteen. The boy had done well in his studies. Willis Waller's death in 1938 brought an end to one phase of the family's independence. The bank moved in, and within two months Odell and his mother saw their land sold out beneath them.

They didn't give up. Odell was now 22, a strong, willing boy—Annie Waller will tell you that, as she holds her withered hands two or three feet above the ground to show how small he was when he first went behind the mules. She will tell you, "That boy is all I got. 'Course, he's my sister's child, but I caught him when he drapped—he's jes' same as mine, and I raised him."

Odell wanted to give up farming and get public work. He saw his young life being frittered away in the blind alley of toil and debt, but his mother thought the farm was the only place she could make a living. For her sake, Odell stayed on the land. He got married and went to farming on shares, helped by Annie, his mother, and Mollie, his wife.

They took the two hogs, the fertilizer, and the wheat binder and went to work on Oscar Davis' land. They never had an easy time. For every four sacks of wheat they harvested, three went into the Davis barn; for every six bundles of tobacco they harvested, three went to Davis. Their own wheat went into bread, and the cash from their share of the tobacco crop, along with the products of the little house garden, didn't provide any luxuries. They killed one of the hogs and salted it down when the first cold weather came. They ate the sausage, the chitterlings and some of the bacon, but they sold most of the meat to make a little cash. Even so,

money was so scarce Annie Waller didn't have shoes half the time.

There isn't much agreement about Oscar Davis around Gretna. Some white people say there wasn't a better man in the county. He taught Sunday School at the Methodist Church, and in all his life he never spared himself or his two strapping sons at the farm work. He lived and died, they say, as a good Christian and an honored citizen.

But the Negroes who knew him saw that side of Oscar Davis which tells of the two-sided character of many Southerners. Those who worked his crops speak of Oscar Davis with something close to hatred. They tell stories about the time when he and his son, Edgar, had such a falling out that for weeks afterwards Mr. Davis carried a gun. They speak of the hard words he was quick to give the man who worked for him.

"He was one," as an old hand put it, "who liked to dawg the colored man. He wanted you to do all the work while he did all the ridin' 'round."

Maybe that wasn't Oscar Davis' fault. He had worked so hard for such small rewards all his life that there was little time to learn the social graces that characterize Virginia aristocracy. In his last years, he found himself an old man with his third wife, a frail and sickly woman, two sons who proclaimed to the country-side their dislike for farming, and not even riches to comfort him. He had lost his private holdings and sunk into tenancy years ago. He was a renter now from a Mr. Shields and was beginning to feel the full weight of the general depression which hit Chatham when the tobacco market fell off. He had even tried to hold off his creditors and the sheriff with a little bootlegging on the side.

Pressed from above by his landlord, he took it out on the poverty-stricken colored people who worked for him. After Odell's first share-cropping year with him, Davis began to take his trouble out on him. The two had been friends until that time, as good friends, that is, as a white man and a Negro can be when one works all day to see more than half of his crop fall to the other.

Their first open difference came when government agents assigned his spring tobacco allotment to Oscar Davis in 1939. He cut down Odell's land to 4,000 hills, less than two acres, and pocketed

the cash benefits paid for the reduction. With their cash crop thus eliminated, the Wallers faced a desperate winter.

A year and a half later, Odell was to review the story as he faced a jury fighting for his life. He was steady, and calm; he told it as if he were reading from the pages of a book. And indeed his humble life was being summed up in a trial court record.

"I moved onto Mr. Davis' 'long 'bout January 2, 1939. I sowed a crop of corn, tobacco, and wheat. I was supposed to get one-fou'th the corn crop; Mr. Davis was to help work one-fou'th the wheat crop. I had a tobacco crop which Mr. Davis received one-half of, also Mr. Davis had a tobacco crop and his sons had a crop. After we got to working Mr. Davis' crop, all hands would get in and work, but whenever it come to my crop, wouldn't be nobody helpin' but jes' me and mine.

"We got along all right, didn't have no trouble along during the year 1939—but Mr. Davis was mighty crabby anyway, didn't bother me none at all, but would jump on the boys for the least thing. He carried a pistol and his oldest son threatened to kill him.

"Edgar told him, 'You can have the farm after this year; I wouldn't fool any more time.' Frank Davis decided he wouldn't farm either.

"During the fall of 1939, wheat-sowing time, I fixed the wheat land, getting it into shape. Mr. Davis would be hilling tobacco for other people and won't paying me.

"He was going back and fo'th to see his wife in the hospital. After I got the wheat land fixed, I holped him strip the tobacco. Then the acreage come on in 1940 and the government people cut the tobacco crop down. They allowed six acres and three-tenths. Mr. Davis says that's enough for us. I lit in then, and during the fall of 1939, Mr. Davis, his sons Edgar and Frank, and myself began to be whiskey dealers. We dealt in that along, and then started in to make ready for the 1940 crop.

"First I went to cut wood. I split up wood as hired labor for to holp us. Well, I holped him break up his 1940 tobacco land, corn land, run his pasture, everything. I even took money out my pocket —didn't pay as much as Mr. Davis, only about 50 cents or 75 cents out my pocket,—but I paid that.

"During this time, come on spring, after I got the land into shape—everything in, Frank Davis 'llowed to his father he was

going to get Henry Davis."

Henry was an eighteen-year-old colored boy who worked for the Davis boys and carried the same surname. The colored folk around Gretna didn't know so much about Henry—where he came from, who his friends were, or what he was like. He didn't know anybody around the county, and he stayed too close to the Davis huskies for the colored folk to like him much. Odell had a quiet independence that was disconcerting to white men. They didn't know how to take him. Henry Davis was more pliable. He scared easily, and was grateful for small favors. Six months later he was to turn against Odell, as the State's only eye-witness to the shooting.

Odell went on with his testimony. "That suited Mr. Davis. He brought him there and distributed the whiskey—"

Odell paused. Once he might not have admitted he was bootlegging with a white man, but now deeper forces were at work in him. He must tell everything. He must make the jury understand what bread means to a man.

The jury was a white blur, their faces never changing expression. Did it matter that Odell needed a chance to explain? Can any black man break through the impenetrable white wall?

"Then one day we went on by the barn and he said, 'This will be your crop, about 4,000 hills.'

"I asked him, 'Can't you give me as much as two acres of tobacco? If you do that, I can give you ha'f and have one acre for myself.' But, no, he wouldn't do that. I went on disgusted."

At first, Mr. Davis was polite to the Waller family. He pointed out that things weren't too easy for anybody in Pittsylvania county, and that Odell was free to go where he could do better. If he didn't like his house, the landlord was always ready to take it back. But where could Odell go with a wife and mother to support? Besides, what about all the labor he had put into Mr. Davis' crop for nothing?

"I said no more crop for Mr. Davis if he can't give me any more. I was jes' getting into debt everywhere. I saw Mr. Davis, and told him that if he would let me work my crop of 4,000 hills, I would 'tend to his. But, no, he wouldn't do that. He wanted to get me taxed into working the whole crop. After he wouldn't agree to let me to 'tend my crop, he 'llowed if I want any more'n this 4,000, I

wouldn't 'tend to none. I told him, 'If you give me two acres, I would 'tend it all together.'

"But he wouldn't agree to that. Said I'd better find something else. I said, 'You could let me have the house for part of my work and maybe I could get off even. He 'llowed he'd let me know about that."

Here is the whole sorry picture—no written contract with the landlord—just a casual agreement that could be broken at the landlord's will. To city folk, the pattern becomes more familiar now—a northern contractor looking for cheap labor, a farm boy fighting off debt and needing a little cash to care for his family.

"I waited a week or so, working on a job or two; Mr. Percy Dance, a contractor, I told him about it and he said—I been working for this man off and on for ten years—he had a contract in Maryland and would I go with him? I come on back down the road. Mr. Davis was over there on the road. This boy, Henry Davis, was in the field harrowing. Mr. Davis hollered to me to come on by there. He wanted me to do work.

"Mr. Davis hollered, 'Where you been?'

"I told him I been up to Gretna to see Mr. Percy Dance.

"He said, 'You going with him?'

"I told him, 'Yes sir, I could go with him'.

"He said, 'Well, you will have to give me my house.'

"I said, 'I can give you the house tomorrow.' Then I said, 'You ought to pay me something for working, don't you think? I deserve something for my work.'

"He 'llowed, 'Naw, I aint going to pay you none.'

"I 'llowed, 'Naw, I aint going to move either.'

"He said, 'The only thing I will pay you, I will see you when the crop is finished.'

"He hollered and told me to get his cow; it don't graze enough in here. I went on to the house, I didn't bother about getting the cow. I didn't say anything the next day or the day after that. Then Mr. Davis said he was going to get rid of the cow, and he got rid of the cow.

"Then I reckon there was about a week before Mr. Percy Dance come and asked me was I ready to go to Maryland, and I went

with Mr. Percy to Maryland to work then. It was 'long the middle of April."

Odell was worried about Mr. Davis even while he was in Baltimore. He wrote his mother asking her to have Robert Waller, a cousin, work in his place to save their share of the wheat crop and he kept sending money home to pay the cousin. He told her to help Mr. Davis with the tobacco crop and to let the Davis family use the Wallers' binder when wheat-harvesting time came.

Annie Waller is a small Negro woman, so small in fact, that when she sits on the bed, her full-buttoned shoes dangle nearly a foot above the floor. When she walks, she is humped with a stoop which long days in the tobacco fields make habitual to the ancient. She is shrunken and wrinkled, only her hands are full-sized. After one glance at Annie Waller, you can see nothing but her hands. They are purple and ashy-bald with the crop blight. They are raw from years of handling cow teats and dry tobacco leaves. They are the spades with which the earth-bound grub in the ground for their food.

Annie didn't even know her age. She got little further than looking at pictures in newspapers. She had no glasses and depended mostly on the children to read letters to her. She counted on her fingers, and it took her nearly a half-hour to "back" (address) an envelope; but she could work hard, and she could figure. Until Odell got into trouble, she had never been fifty miles from the place where she was born, and she had never even heard of Niagara Falls; but she knew her rights.

Annie had done housework for Mrs. Davis while she was ill in the hospital. They were to pay her at the rate of $2.50 a week. When Mrs. Davis came home, Annie toiled about the house, waiting on her until she was strong enough to do her own work again. Annie was a good worker. Small as she was, and given to few words unless it was to children, she could move through a house like a fresh wind. With a brown paper bag turned upside down on her sparse hair and narrow forehead, she went from one task to another until everything shone spick and span. You didn't have to tell Annie what to do or follow behind her. She never asked questions.

The Davises still owed Annie $7.50 for her services. Mr. Davis

kept promising he was going to pay her when the crop came in, but somehow he had never gotten around to it. It's so easy for white men to string colored folk along. Promises made are lightly broken; like promises to children or to animals, there's little honor in them. Annie accepted this with the calm dignity of those who have come to realize that trouble is their portion of life.

Now Odell had told her to help Mr. Davis plant and work his tobacco so he would "plough her up" some sweet potato land.

"Long 'bout the fou'th Friday and Sad'day in May, 1940," she will tell you, "when it was cold, and rainin', and so raw no 'oman oughter been outdoors, there I was in Mr. Davis' fields a-plantin' terbacker. There waren't another 'oman out there 'sides me—jes' a whole gang o' min and boys. I was workin' up to my ankles in that red mud in the rain till it was so dark I couldn't even see the rows before me. I holped Mr. Davis plant that terbacker and I holped him hill it. Mollie was smarter'n me. She didn't do no work and she didn't get nothin'. I did all the work, an' I still didn't get nothin'.

"Then it come on time to work that terbacker. One Sad'day I was goin' to the mail box, and Mr. Davis, he was goin' to the barn.

"He called me, 'Come on down by the barn, Aunt Annie—' they call me Aunt Annie, you know—

"I went on down by the barn. He says, 'You goin' to help me work that terbacker today?'

"I commenced to thinkin' jes' as hard and fast as I could.

"I said, 'I don't know, Mr. Davis. I bin workin' an' workin' around here, and it seems like everything goes to Mr. Davis. It's all for Mr. Davis; I don't see nothin' in the ground for Annie.'

"Mr. Davis says, 'I told you if you'd get a sack of fertilizer, I'd fix you up some sweet pertater land.'

"I says, 'But I told *you*, Mr. Davis, you owed me seven dollars an' a ha'f, an' if you'd let me have a ha'f a sack of fertilizer for that, I could get some sweet pertater land.'

"Mr. Davis says, 'Hell naw, I aint let you have none, an' I aint agoin' to let you have none.'

"I says, 'Well, that settles it.' "

Annie Waller had reached the end of her rope. She wasn't going to work any longer for nothing.

At this, Mr. Davis lost his temper. These Wallers were too damn uppity for niggers. They were always wanting something and you couldn't boss 'em around like you could most sharecroppers. Ragged and poverty-ridden as they were, they had the nerve to be independent. He told Annie he wanted his house back—the little shack she and her daughter-in-law lived in. She supposes she might have gone to the law; but she didn't think much about it, and "it probably wouldn't have done much good no-how."

In three days, the law came to her. She and Mollie were ordered to move. The sheriff's deputy wasn't given to long explanations or to courtesies. Odell didn't have a written contract and that was enough to put him at his landlord's mercy. The sheriff's deputy told them,

"Mr. Davis wants his house, an' if you're not out of here by next Thursday, I'm gonna come back here and throw you out, an' sell some of your things to pay the cost of moving you."

"I was outdoors then—only thing I jes' hadn't moved," Annie will tell you. "I put on my bonnet and went down the road to my neighbors. I told them, and some of my church folks got together to holp me. Everybody flocked to me—some buildin' pig pens, some fixin' a place for my chickens."

They went dumbly, poorer than they came. They did not owe Oscar Davis one cent; they had paid for their fertilizer under the ground and the "top-dressing" over the ground. They had one hog left. The colored minister let them stay in his little cabin just outside of Gretna. They had to leave behind the garden of "greens" they planted that spring.

Today, it is this eviction which Annie Waller feels most keenly. When she reaches this point in her story, she stops and runs it over in her mind and has to be prodded to go on, as if anything else would be an anti-climax.

In spite of the eviction, however, Odell's share of the wheat must be saved. Mr. Davis had told her she could come on the place and get things out of her garden. She didn't write Odell what had happened. When wheat harvesting time came a few weeks later she did as he had asked her. She let Mr. Davis use the binder, and put her "man" in the field to help with the harvest. She put in "fifty for fifty," bringing her own food over to

the Davis house and helping to cook and feed the men while they worked. They threshed out the grain in two-bushel bags; Robert Waller lined them up in rows—three for the landlord on one side and one bag for Odell on the other. But Mr. Davis wasn't sharing that day.

"What you settin' out that wheat like that for?" he asked Robert.

"Everybody takes out the fourth at the thrash-box, don't they? That's the ways they been doin' it everywhere I been helpin' out."

"All that wheat's goin down in my barn," said Mr. Davis. The bags were lumped together, carried down to his barn and locked up.

Robert didn't say too much at the time. He went on counting the bushels as they came through the funnel. To this day he will tell you the total—208 bags and one picked up from the leavings.

"Mr. Davis," he said later, "was the first man I know who didn't take out the shares at the thrash-box."

Odell came home bright and early one Sunday morning—the 14th of July. The day before was his birthday and he thought he would run down home for the week-end. It took a little while for him to find his family in their new place.

Annie and Mollie were up in the loft shucking some corn they had saved for the hog, when they saw someone coming around the yard and into the front door.

"Lawd, Mollie, there's Odell." Annie could tell him by his pants legs as they looked out of the loft window.

If Odell had heard the story from the neighbors, he said nothing, but listened to his mother tell it through. People who were there will tell you he remained as cool and calm as you want.

He went to church that morning, spent the afternoon at his mother's shack, and went with her and Mollie to the little Fairview Chapel that evening. Once a week the colored folk around Gretna get together at Fairview and pass the time of day. Odell stood around on the outside with the young fellows and talked while his mother and wife visited with the women inside. Thomas Younger, who owned a truck, was there. Odell asked him if he would take him over to Davis' the next morning to get his wheat. Thomas said he had to go to Chatham on Monday, but he promised to take Odell if he went early in the morning. The deal was closed, and Odell went on home with his family.

Odell was up at dawn on Monday. It was a cloudless blue morning.

He called his mother. "Momma, I'm goin' to get my wheat this mornin', cause I got to go back to Baltimore."

Annie took a little white potato sack and a knife from the kitchen table.

"I b'lieve I'll go with you an' get some things from my garden." She wanted to cut some greens, pick some string beans, and dig up a few "Ahrish" potatoes they had left when they moved.

Mollie Waller testified later at the trial that Odell told her he was going to get part of his wheat, and asked her to cook breakfast and have it ready by the time he got back.

Thomas Younger and a young boy, Buck Fitzgerald, came along with the truck and Annie and Odell climbed in. They stopped off at Robert and Archie Waller's little farmhouse. Archie, an old man, was sitting down at the breakfast table.

"Archie, come on holp me a while," Odell called out. "I got a lot o' wheat."

Archie was helping to thresh wheat at Mr. Johnson's place, but it was early and he could help Odell for a little while. He got on the truck and rode with them to the Davis place. He said later that Odell smiled and never said a hard word all the way up.

Mr. Davis was standing in the yard talking to Henry Davis. Two months later in Chatham court, Odell was to tell the story this way:

"When I walked up in the yard, I said, 'Good morning.' I said, 'Mr. Davis, I come here to get my wheat.'

"Before he said anything Henry Davis spoke up and said, 'What you gonna carry that wheat on? You can't carry it all on one trip.'

"Mr. Davis said I won't gonna get that damn wheat away from here. I said, 'I got a truck.'

"He said, 'I told you you won't go carry it away from here.'

"He used some dirty words, and from one word to another, and he usually carried a gun and run his hand into his pocket like he was trying to pull out something. I had my gun and out with it.

I opened my pistol and commenced to shoot at him—I don't know how many times. I didn't look at it. Mr. Davis hollered and fell. I went down by the barn by the woods and stayed down there until in the evening. Then I come up to Joe Allen's house that night and his wife, she come to the window. I said, 'Where's Thomas at? Tell Thomas to come here'. She sent over to get him. He was all scared and said, 'Odell might as well go on and give up—four or five in a male posse with pistols are after him.' I turned and went through a corn field. . . . I left to get out of the way and keep 'em from stretching me up."

When Odell started for the woods his last words to Annie were, "Momma, get the wheat." Annie, who had been sitting in the truck and heard the first shot told the boy, "Turn this truck 'round and le's get out of here."

They streaked for home. She was not to see Odell again until they brought him back to Chatham jail. She admits she was pretty scared for the next week or two. Men were out in the woods with guns and dogs, hunting Odell "like he was a rabbit." Someone broke into her little shack twice looking for photographs or letters. Mollie was so frightened, she refused to live in the shack any longer, and finally Annie had to lock the door at night and stay with neighbors.

They took Oscar Davis to Memorial Hospital at Lynchburg, where he died two days later with four bullet wounds in him. Authorities in Columbus, Ohio, picked up Odell the first week in August.

At the trial Henry Davis, the colored boy, stammered out the incredible story that his boss was unarmed and that Odell just up and shot Mr. Davis four times *without a cross word passing between them*. Two Negroes, Thomas Younger and John Curtis Williams, both testified that Odell had threatened on Sunday to kill Mr. Davis.

Mrs. Oscar Davis testified that when she heard the shooting she ran out and led Oscar to the house and helped him get his pants off. She claimed he had nothing in his pockets except his pocket book. Under cross examination, she said the pocket book was a bill folder and that she thought he had it in his right pocket.

Nineteen year old Frank Davis told the Court his father's dying words were, "Frank, I am going to die. Odell shot me without any

cause. He shot me four times, twice after I fell." It developed in the cross examination that when Frank Davis had testified at the preliminary hearings several weeks earlier he had said nothing about his father being shot twice after he fell.

Edgar Davis admitted that he had once had an argument with his father in the presence of Odell and others.

Archie Waller, Mollie, and Annie Waller were the only witnesses for Odell. Because she couldn't walk "so good" and Chatham was ten miles away, it was hard for Annie to get to the trial. Judge Clements was patient with her rambling on the witness stand. Annie didn't know anything about rules of evidence. She only knew that she wasn't allowed to explain many things that to her were important. "I said just a few words, and I was getting so far down to what really happened that the jedge set me down."

Probably the evidence didn't make much difference anyway. Ten of the twelve poll tax payers on the jury were farmers, and most of them hired sharecroppers themselves. The Commonwealth's attorney didn't have much trouble convincing them.

The trial was ended in two days. Mrs. Waller was shocked to think everything could be over so soon. It seemed as though everybody was in a hurry to get it over and done with. The white people were sorry, but the pattern of caste had been violated. A Negro had killed a white man, and the law must take its course. It didn't matter what anybody might have to say to explain the background.

Nevertheless, the Negroes aren't satisfied. Over and over Odell will tell you if you speak to him in the Richmond death house, "I didn't aim to kill Mr. Davis. I was jes' aiming to keep him from killing me." And those who knew Oscar Davis best think Odell shot to save his life. Those who believe the State's evidence say, "Mister, you can push us colored folks just so far."

But what is strange, the Davis boys finally brought Annie Waller her share of the wheat—after the trial, they left her fifty bags. That three humble people might have their bread, one man was killed, another was sentenced to die, the Waller family without their chief breadwinner were left objects of charity, the Davis family was sold out for debt and scattered through the county; and Henry Davis, the only eye-witness for the State, an outcast among the colored folk of Gretna, is now forced to live only with white people.

In considering Waller's case, it is important to understand certain psychological factors. Rigid barriers of caste and class produce fear and suspicion, and the caste system itself is perpetuated by mob-violence, coercion, and a die-hard tradition. It is a bitter commentary on the nature of race relations in this region that black men and white approach their differences within a framework of violence. Countless Negroes will admit openly that any one of their group who seeks an accounting with a white man may expect to be cursed, beaten, or killed. Others will say privately, and some even publicly, that, in certain sections of the South, a Negro's life is worth nothing unless he is armed. It is this primitive emotion of fear, intensified by keen economic competition and insecurity, which produces lynch mobs on the one hand and on the other an Odell Waller who said, "I had my gun and out with it."

It is difficult to believe that a man with the intention of premeditated murder would ask his wife to cook breakfast for him during his absence, and would take witnesses along with him to the scene of the killing. Jonathan Daniels put his finger on the crux of the problem: "It does not seem to me strange to suppose that the white man was trying to cheat the Negro. It does not seem to me difficult to believe that the young Negro went to demand his rights more in terror than in murderousness. My observation is that more scared men kill than brutal ones. I can understand the contention that poor little Waller was the product—as Bigger Thomas was—of a whole system of racial suppression, of racial fear."

It is a whole way of life for a disinherited people that flings its challenge to us, daring us to practice democracy as well as to preach it. The story of Odell Waller exposes some of the great injustices which exist in our United States, and shows out of what hidden depths of fear and insecurity those injustices arise.

The Workers Defense League appealed Waller's case to the Virginia Supreme Court of Appeals. Thomas H. Stone, of Richmond, Va., argued that the evidence did not justify the verdict. John F. Finerty, of New York, N. Y., argued that the make-up of the jury was unfair and unconstitutional. Both attorneys donated their services.

The court rejected this appeal in the fall of 1941, but the case is being pressed and its outcome will determine the constitutional question whether a verdict can stand if it is brought in by a jury from which non-payers of the poll-tax (Negroes, sharecroppers, and poor people generally) are regularly and systematically excluded. The attorneys, joined by Morris Shapiro of New York, N. Y., national counsel of the Workers Defense League, and Martin A. Martin, of Danville, Va., attorney for the National Association for the Advancement of Colored People, are seeking a writ of habeas corpus from the U. S. Supreme Court. To get it, not only will they argue that "due process of law" requires that a fair jury include all classes in the population (grounding their statement on the Supreme Court's decision in the Scottsboro case); they will also make the point that, when Virginia in 1902 put in its constitution that one could not vote without paying a poll tax, the state violated a federal law of 1870. This law forbade Virginia (as a condition of her re-entering the union) to take away the right to vote from any class of citizens which then had the right.

A favorable decision by the U. S. Supreme Court on this last point not only would democratize the jury system in the South, but would also imply that any Virginia citizen could claim the right to vote, and enforce it in court on the ground that the Virginia law conflicts with the federal law. Thus the Waller case may lay the basis for knocking out the entire poll-tax system. Under this system, about 20 percent of the adults in the eight Southern poll-tax states voted in the 1940 presidential elections (somewhat more in the primary elections, which are confined to whites). This contrasts with the 68 percent of the adults in the other 40 states who voted that year. If the same percent had voted in the poll-tax states, about 7,500,000 additional voters would have been added.

In Odell Waller's rural Virginia county, with its predominant sharecropper and tenant farmer population, less than one citizen in ten voted. Of the Negroes of the county, only one in 125 cast

a ballot. According to the *Report on Economic Conditions of the South* made in 1938 to the President by the National Emergency Council, earnings of sharecroppers ranged from $38 to $87 per capita on Southern cotton plantations. A man would often have to pay more than a week's income in order to vote. What man battling starvation can afford to pay so high a price for his citizenship?

Jury panels in Virginia are made up from lists of voters. With three-quarters of the population disfranchised and thus excluded from jury duty, the trial of a poor sharecropper becomes, not a trial by a "jury of his peers," but one by a privileged group with economic and social interests to safeguard. Is it any wonder that those who sat in judgment on Odell Waller found him guilty of murder?

The evidence at the trial furnished them a strong presumption of self-defense. Odell went to get his wheat from the landlord who had evicted his family. He went armed, for he knew it was a hazardous undertaking for a Negro to demand from a white man something he had already refused to give. He believed his life was endangered, though he was only asking for his due share of the product which his labor had created. And when that white man made a move toward his pocket, Odell acting in mortal fear shot to save his life, "aimin' to keep him from killin' me," as he said.

Odell was condemned to death. Courts feel it is not their business to concern themselves with the causes of social problems. But it is the business of Americans, and that is why thousands are supporting the fight to save Waller's life, to expose the evils of the sharecropper system, and to abolish the poll tax.

URGENT: As we go to press, the attorneys report that in order to prepare the case properly and carry it through the Supreme Court and then again through the Virginia courts, Waller needs successive stays from the governor, to prevent his being executed. You can help save his life by urging that a stay be granted. Write to Governor Colgate W. Darden, Richmond, Va. Please send a copy of your letter to the national headquarters of the Workers Defense League, 112 East 19th Street, New York City, or to WDL regional offices at 313 Palmer Bldg., Atlanta, Ga.; 474 S. Hartford St., Los Angeles, Calif., or 180 W. Washington St., Chicago, Ill.

For printing court records and other expenses funds are urgently needed. Please mail a contribution to George S. Counts, Treasurer, Workers Defense League.

NEWS from Workers Defense League
112 East 19th Street, N. Y. C.
ALgonquin 4 - 4954
SAMUEL H. FRIEDMAN, Publicity

For Immediate Release, Nov. 7, 1940
SPECIAL TO NEGRO PRESS

DEFENSE AGENCIES RUSH APPEAL ON SHARECROPPER'S DEATH SENTENCE

Special Memo to Editors: Odell Waller, 23-year old sharecropper, is scheduled to die in a Virginia electric chair next December 27. Last month a lily-white jury found him guilty of first-degree murder as a result of the shooting of Oscar Davis, his white employer.

The facts in his case, as set forth in the accompanying release, leave little doubt that he was tried and convicted as a Negro and poor tenant farmer.

But the case is not yet closed. Protests have been pouring in to Virginia authorities ever since Waller's arrest. These demonstrations of public sentiment saved him from efforts to rush his trial before any sort of defense could be prepared.

Now, the National Association for the Advancement of Colored People and the Workers Defense League, official defense agency for the Southern Tenant Farmers Union, are preparing an appeal.

To keep the case alive, at least $2000. is needed. Of this, THE DEFENSE MUST HAVE $350. BY NOVEMBER 26th for the appeal to the Virginia Supreme Court.

We are enclosing a release and comment which may be used either as a letter to yourself or as the basis for an editorial.

Any clippings should be sent to this office as material for the national publicity campaign on Waller's behalf.

With the execution of Odell Waller less than seven weeks away, the Workers Defense League, through its national secretary, David L. Clendenin, this week announced renewed efforts to reverse the verdict by which a Chatham Virginia jury doomed the 23-year old sharecropper for the slaying of his white employer, Oscar Davis. Defense attorneys have claimed that Davis fired in self-defense.

The appeal will be based, said Clendenin, on evidence of prejudice in the conduct of the trial and selection of the jury. He pointed out that the Virginia poll tax system "bars Negroes and poor farmers from jury service as effectively as from the right to vote". Waller was sentenced to die next December 27th after conviction by an all-white jury consisting of ten landlords, a carpenter and a businessman.

The National Association for the Advancement of Colored People is cooperating with the W.D.L. in carrying through the Waller case.

In announcing the appeal fight, Clendenin called for the support "of all those who are opposed to the poll tax and other instances of racial and social discrimination in the South."

The League, according to Clendenin, has been interested in Waller's case since his extradition from Ohio last August. Its Virginia attorney, Thomas H. Stone, handled the Waller defense when he was found guilty on October 27.

Prejudice, both in the community of Chatham and in the court itself, it is claimed, made a fair verdict impossible. As evidence of such prejudice, Clendenin

- more -

cited testimony of defense witnesses who reported "lynch talk" by white Chatham citizens. Motion by Waller's attorneys for a change of venue was denied despite Sheriff Archer Overby's admission that "extra precautions" were necessary to prevent mob violence.

Defense attorneys also claim evidence of bias on the part of presiding Judge Turner Clement on the basis of insulting remarks directed at J. Byron Fox, Waller's colored counsel.

Medical testimony which would absolve the defendant from a first-degree murder count was, said Clendenin, disregarded by the court. The Commonwealth Physician asserted that Davis died as a result of the collapse of his left lung after a successful operation to clear up the sources of infection. There was no indication of injury to the left lung. According to such testimony, defense counsel alleged, there was no legal basis for a homicide charge.

The dispute between Waller and his employer, which led up to the shooting, had its beginnings last summer when the white man refused to pay his tenant for his share of work done on a tobacco crop which had been subsequently plowed under by the Agricultural Adjustment Administration. Waller abandoned the claim early in the summer and went to Baltimore, Md., to work.

He returned from Baltimore in July to find that Davis had evicted his wife and 65-year old mother, and was withholding the family's share of the wheat crop they had raised. He then decided to visit his employer and demand satisfaction. He later testified that he took along a gun because of Davis' repeated threats.

There were no close witnesses to the interview. Waller reports that Davis replied to his request for the wheat with, "I won't give you a damn thing". When the white man reached into his "gun" pocket, Waller shot him.

After the incident Waller was prepared to surrender when he learned that an armed band of landlords was on his trail. He fled to Columbus, Ohio, from which he was extradited and remanded for trial, last September 12th.

Pauli Murray, national executive board member of the W.D.L. and a N.A.A.C.P. youth leader, left for Richmond to aid in pressing the case on November 7.

In addition to its work for southern farm tenants, the Workers Defense League has won prominence for its support of the 7 Cranbury (N.J.) Negro migratory workers, who were attacked and evicted in the dark of night by an armed mob. As a result of W.D.L. efforts, a Newark Federal Court awarded the victims $9,000. in damages.

In addition to Miss Murray, Negroes prominent on the W.D.L. national committee include:

Frank R. Crosswaith, general organizer, International Ladies Garment Workers Union, chairman, Negro Labor Committee; C. L. Dellums, international vice-president,